State of Vermont — MORRISTOWN — Chartered in 1781

SELECTBOARD MINUTES JUNE 21, 2004

Members Present: Brian Greenia, James Paige, Shaun Bryer and Brian Kellogg

Members Absent: Cathy Voyer

Department Heads: Paul D. McGinley, TA; Mary Ann Wilson, TC/T; Chief Richard Keith; Mark Leonard, ZA

Guests: Cathy Killian, Sharon Scott, Richard Tuthill, Bruce Bowser & Wayne Peslauvier Adelphia Representatives; Dale & Ginnie Choulakos, Joe Alfieri, Jason Kittell, John McCormack, Amy Noyes, Ed Wilson, Will Giblin, HFI; Chris Ransom, Roberta Goddard and Charles McArthur

Chair Brian Greenia called the meeting to order at 6:04 PM at the Morrisville Water & Light Facility.

GUESTS

ADELPHIA:

General Manager Dick Tuthill gave the Selectboard a general overview of plans for expansion Adelphia has for the community. They presented a map depicting all existing and proposed cable lines and will send a schedule of the proposed work. Currently the Elementary, Graded and People's Academy Schools are all connected, as well as the MW&L facility. The Town Offices have high speed internet (broadband) connection, but do not have the cable television. It was also questioned whether the Library had service. Bruce Bowser stated he would look into it.

Adelphia just launched DVR *Digital Video Recording. T*hey have plans to launch V*ideo on Demand* by the end of the summer and hope to be out of bankruptcy by this fall. The GMTC studio, as the post for Morristown, is near completion for its construction. The Adelphia communications person has left, but they have plans to fill that position soon.

EXECUTIVE SESSION

On a motion by Brian Kellogg, seconded by James Paige, the Selectboard moved into Executive Session on a personnel issue at 6:18 PM with the Town Administrator, Administrative Assistant, Town Clerk and Assistant Town Clerk.

Cathy Killian left after the Executive Session.

On a motion by Brian Kellogg, seconded by James Paige, the Board moved out of Executive Session at 6:40 PM.

The Board elected to address the personnel matter later in the meeting.

OLD BUSINESS

HFI – PINECREST MOBILE HOME PARK:

Will Giblin of HFI informed the Board that the purchase price of the Pinecrest Mobile Home Park had been lowered to $905,000. HFI was looking for the *go ahead* on the project from the Town in the form of a letter of intent to apply under the Vermont Community Development Program. The procedure for applying for the grant would need to be started next week and they needed the Town's endorsement.

If agreed to endorse HFI, the grant would be applied for under the Town's name and sub-granted to HFI. Mr. Giblin stated the only liability to the Town was to ensure that HFI administered the grant properly and in a timely fashion. The Town would have no ownership in the Park. Mr. Ransom arrived at this time.

When it was questioned if HFI had plans for expansion if they purchased the Park, Mr. Giblin stated that there was room for two additional lots, but there were no current plans to expand. He further stated that he was leaving HFI as of this Friday and didn't know who would be handling the project.

Shaun Bryer moved to endorse HFI's grant efforts to purchase the Pinecrest Mobile Home Park. James Paige seconded the motion. When the vote was called all members opposed the motion.

Mr. Giblin left at this time and Mark Leonard arrived.

TAX REVENUE ANTICIPATION NOTE:

Town Clerk Mary Ann Wilson presented a Tax Revenue Anticipation Note agreement with the Union bank in the amount of $1,464,128 that had been approved at the June 7th meeting.

On a motion by Shaun Bryer, seconded by James Paige, the Selectboard authorized the signing of the Tax Revenue Anticipation Note agreement in the amount of $1,464,128 with the Union Bank.

MINUTES:

On a motion by James Paige, seconded by Brian Kellogg, the Selectboard approved the minutes of June 7, 2004 with one change. Member Kellogg stated that on page five under Cat Bite; it should state that the cat had been impounded on a prior complaint.

Shaun Bryer abstained as he was absent from that meeting.

OAK RIDGE ESTATES ROAD:

In response to the request from the residents of Oak Ridge Estates to lay out a Town Highway, the Town's attorney drew up a notice of hearing for the Board's approval.

On a motion by James Paige, seconded by Brian Kellogg, the Board moved to start the process of laying out a Town Highway to be named Oak Ridge Estates Road and the notice was signed.

Sharon Scott spoke on behalf of the Home Owners Association. Three other home owners were represented as well. There are currently eleven houses with one in the planning process. The homes share two joint septic systems and the Board questioned how maintenance or replacement, if needed, would be handled. The group stated that they were not looking to the Town to handle this, but were establishing a reserve from their association fees to cover the costs of pumping or replacement as needed. The Association agreed to submit a list of officers annually to the Town. Members of the Association left at this time.

FIREWORKS PERMIT APPLICATIONS:

It was determined that each Firework Permit request would be addressed individually instead of jointly as each had different circumstances. As discussed previously, Art Meade has asked that Firework Permits not be awarded for the safety of his sheep. Joe Alfieri, one of the applicants, stated that he had talked with Mr. Meade and had offered to pay help to watch Mr. Meade's flock, or to pay Mr. Meade for his time as well.

Discussion included that the Fourth of July was only one day per year and displays usually only lasted for approximately one hour and notice was placed in the paper; the length of time and location of displays as well as the size and number of salutes and shells; the fact that some people applied for permits while others did not and the Town's Fireworks display. It was also questioned how gun shots and thunder and lightning affected the sheep, as there was no advance warning of these events.

Brian Kellogg stated that this was the last year that the MFD was displaying fireworks for the Town due to liability reasons.

James Paige moved to approve the application submitted by Phillip Huff to display fireworks on July 4th with a rain date of July 7th from 9:00 – 10:30 PM. Shaun Bryer seconded the motion.

Discussion included location of the fireworks display in conjunction with Mr. Meade's flock of sheep.

A vote was called with Brian Kellogg and Shaun Bryer voting yes and Brian Greenia and James Paige voting no. With the fifth member absent it was a tie vote. The motion failed.

Shaun Bryer moved to authorize permission for Joe Alfieri to display fireworks on July 4th with a rain date of July 5th from 9:30 – 10:30 PM. James Paige seconded the motion.

During discussion, Mr. Alfieri offered to limit the large aerial salutes by placing them on the ground, which would cut back on the noise. He also agreed to contact Mr. Meade and work with him as agreed.

A vote was called and the Board unanimously approved Mr. Alfieri's permit.

Brian Greenia moved to authorize permission for Peter & Paul Wilder to display fireworks on July 4th from 7:00 to 10:00 PM. James Paige seconded the motion.

Discussion included the size and quantity of fireworks to be displayed, as they were not listed. Mr. Wilder had told the Administrative Assistant that he was shooting off fireworks like in the consumer packs that sold for around $50.

The vote was called with James Paige, Brian Greenia and Shaun Bryer voting yes and Brian Kellogg voting no.

Mr. Kellogg stated his vote was due to the fact that the kind and quantity of fireworks were not listed on the application and he felt the timeframe was too long.

When Mark Leonard enquired what happens if someone sets off displays without a permit, Chair Greenia stated that the Police Department would be contacted and the person would be in violation of displaying fireworks without a permit. Joe Alfieri and Ed Wilson left at this time.

MUNICIPAL FACILITIES PROJECT:

Mark Leonard gave a brief update on the combined meeting with the Library representatives and the Municipal Facilities Committee. It had been determined that the Library would move ahead with their expansion as a stand alone project, as it appeared that Clifford Cole Jr. had plans to tear down his apartment building and had applied for a permit to construct a new duplex on the lot. James Paige stated that in a phone call from JB McKinley, he was told that Mr. Cole was still interested in selling his property to the Town. Roberta Goddard, Mr. Cole's Realtor, stated that Mr. Cole was very much interested, but wanted a $10,000 "option to buy" contract and he would hold the property for six months. He also requested reimbursement of his expenses for removal of the building, which he estimated to be in the range of $16,000.

Discussion included that six months was not long enough; he would have to pay for the removal of the building anyways; the lot could be used for parking if a joint facility could not be approved; and whether to bring to the voters at general election in November or at Town Meeting in March.

On a motion by James Paige, seconded by Shaun Bryer, the Selectboard voted to offer Clifford Cole Jr. $10,000 for an "option to purchase" the Cole property (tax ID 21-200) at the corner of Richmond and Main Street with the understanding that the property will be held for nine months (March 21, 2005) and the money will be applied to the asking price of $125,000 if purchased by the Town.

Shaun Bryer wrote a draft proposal of the Town's offer for Mr. Cole's acceptance, as he was leaving town for work out of state on Tuesday. It was agreed that the Town's attorney would write the formal agreement based on what the Board agreed to. Ms. Goddard was to take the draft to Mr. Cole for his approval and agreed to witness his signature.

Further discussion included ways to get information to and from the public on the joint facility building. Suggestions included: info on the Town's web page; an ad in the newspaper and a questionnaire sent out by a direct mailing. James Paige and Mark Leonard will work together on the questionnaire.

The Selectboard again stated their support of the project and of their awareness of the need for additional space for the Town Offices. The Board will be a part of the committee for the project. Mark Leonard left at 8:53 PM.

BROOKLYN STREET LETTER:

The Town Administrator requested approval from the Board for the letter sent to Mr. Preis regarding the email from Dan Peterson on the potential conflict with the water line project and requested that the State secure approvals so that the Town could advertise for the project ASAP.

On a motion by James Paige, seconded by Shaun Bryer, the Board voted to approve the June 15, 2004 letter signed by Paul D. McGinley, Town Administrator on the Brooklyn Street Sidewalk STP WALK (4) S project.

PROJECTS/TOWN ADMINISTRATOR:

The Town Administrator reviewed the list of projects currently underway in the community as outlined in his TA Report to the Board.

The water project on Brooklyn Street is to start on Thursday the 24th. There are still water problems at the Town Garage and the Crew is having to haul water. The TA will call Jerry Audy, who is involved for Norman Deuso regarding this matter. The Town is running out of material at the pit from the phase one permit and they are diligently working on the requirements for the second phase of the pit operations. The Board agreed to put a hold on the Intersection, Parking and Traffic Study until their special meeting of June 28th. He informed the Board that samples were supposed to have been taken on Maple Street to determine the road base needed.

"B" Street Bridge will be ready to bid in December, a good sign that the Bypass is going through.

Jim Paige questioned the lining of parking spaces next to intersections. It makes it hard to see when coming off a side street and he felt that one space should be blocked off to allow for a better view.

NEW BUSINESS

PRIVATE ROAD NAME REQUEST:

An application was received from Raymond R. Belanger to name the private road that goes to his subdivision off VT Route 100 ***Belanger Ln.***

On a motion by James Paige, seconded by Brian Kellogg, the Board approved the recommendation to name the private road Belanger Ln as requested.

HIGHWAY DEPARTMENT – MOWER PURCHASE:

The purchase of a ditch mower is a budgeted item. A recommendation from the Highway Foreman to purchase a Woods H-S105 was presented.

On a motion by Brian Kellogg, seconded by James Paige, the Board authorized the purchase of the Woods H-S105 mower for a net price of $4,500 from Bourbeau International.

HIGHWAY DEPARTMENT HELP:

The Town Administrator explained the need to hire temporary help for the summer, as there were employees that would be out for medical reasons as well as vacations. The Selectboard authorized the TA to handle.

ADMINISTRATIVE ASSISTANT FOR TOWN CLERK/TREASURER'S OFFICE:

As discussed in Executive Session, the Selectboard took the following action.

On a motion by James Paige, seconded by Brian Kellogg, the Selectboard voted to offer the AA position in the TC/T Office to Michelle LaBarge at a rate of $12.00 per hour.

The position will have the usual six month probationary period.

OTHER NEW BUSINESS:

Resident Chris Ransom asked the Selectboard to address the issue of wood chips dumped over the bank on "A" Street (Clark Park) and covered with sand swept from Village Streets.

Chair Greenia explained that the property belongs to the Village and is maintained by the MW&L Department. The wood chips were from their line maintenance procedures and they distributed them on their own property. The sand was used to cover them.

Mr. Ransom wants the Town to investigate and have the materials removed to bring the location back to its original beauty spot. He would also like signs posted to prevent any future dumping at that location. Mr. Ransom left at this time.

WARRANTS

On a motion by James Paige, seconded by Brian Kellogg, the Selectboard authorized the warrants as listed on the memorandum dated 06/21/04. (See attached)