

Minutes of the April 12, 2010 Meeting of the Board of Selectmen.

Present: Neal Fox, Bill Richards, Joe De Freitas, Delbert Cloud, Mimi Kevan, David Langhans, Pauline Poulin, Annette Lorraine, Geneva Gaiko, Newt Whitcomb, Cliff Cyphers, Peter Dohrn, Ellen Nobile, Larry Nobile, Guy Best, Minh Best, Janine Reeves, Geoff Gilman, Danielle Mowrey, Jim Hill, and Amy Danley-White for the "Herald of Randolph."

The meeting was called to order at 6:00 PM by Chairman Neal Fox, the Board first reviewing the weekly payroll and payables. The minutes of the March 22, 2010 meeting of the Selectboard were approved by motion of Joe De Freitas, seconded by Bill Richards and unanimously carried. The Constable's report of April 1, 2010 was reviewed and placed on file. As the Board of Liquor Control Commissioners, 1st class liquor licenses were approved for Cockadoodle Pizza Café and The Bethel Depot; a 2nd class license and a tobacco license were approved for Champlain Farms. Mimi Kevan was present on behalf of The Bethel Depot, and the Board briefly discussed with her a recent incident which had occurred on the business grounds.

Regarding the Recreation Committee minutes of March 16, 2010, the Board discussed two memoranda received from the Committee dated March 17, 2010 pertaining to: (1) rates to be charged for use of the pool, and (2) the salary schedule for pool employees. The Board found the recommendations in both memos to be appropriate, and a motion to approve both recommendations was made by Bill Richards, seconded by Joe De Freitas and unanimously carried.

The minutes of the February 10, 2010 meeting of the regional planning commission were reviewed and placed on file. Note was made of an "energy audit" program for which the regional commission has recently received federal grant funds.

A request was then reviewed from Peter Nikolaidis for permission to upgrade the water service to his property at 245 Main Street. Mr. Nikolaidis wishes to enlarge the service to a 4-inch line in order to accommodate a sprinkler system in the building, and the line will need to cross Main Street as the smaller present one does. Town permission for such work requires that it be done in accordance with customary conditions pertaining to maintenance of traffic flow, depth of placement, sleeving, and several other matters. After due consideration, motion was made by Joe De Freitas to approve the proposed installation subject to the customary conditions of such permits, this motion being seconded by Bill Richards and unanimously carried.

At this time, Delbert Cloud informed the Board of a similar request from Harold Greenwood for permission to replace a water line beneath Findley Bridge Road. This request was also approved subject to the customary conditions, by motion of Bill Richards, seconded by Joe De Freitas and unanimously carried.

As the time was then 6:30 PM, Chairman Fox welcomed Pauline Poulin, David Langhans, and Annette Lorraine as the first scheduled appointment of the evening. Ms. Poulin has requested permission to temporarily place a mobile (cooking unit) trailer on Main Street in front of the so-called Lavere Block to help transition the Vermont BBQ business into a permanent location inside the building. As soon as renovations were sufficiently completed in the building, the trailer would be taken elsewhere; under no circumstances would she wish to keep it on the street after "snow time." Ms. Poulin and David Langhans both answered questions about their business and the relocation plans. Annette Lorraine spoke favorably about the request on behalf of the property owner, Kevin Barry. An April 5, 2010 letter from Mr. Barry was also reviewed and placed on file. Various considerations were discussed, and ultimately it was agreed that a "contract" setting forth necessary understandings should be prepared; subject to approval by both parties of the contract, permission to temporarily place the subject trailer on Main Street was approved by motion of Joe De Freitas, seconded by Bill Richards and unanimously carried.

The time was then 7:00 PM, and Chairman Fox called to order a Public Hearing, to receive comments on a proposed amendment to the Bethel Zoning Ordinance which had

been forwarded from the Planning Commission via cover letter and report dated December 31, 2009. Specifically, this is: "An amendment to the Bethel Zoning Ordinance which would extend the Rural Development District (RDD) along MacIntosh Hill Road from where it currently stops to the Bethel-Randolph town line. The depth of the extended RDD would have the same setbacks from the road centerline as the existing RDD." Geoff Gilman said he supports the proposed change, and believed it would only affect the potential development density on about five properties in total. Peter Dohrn, Planning Commission Chairman, referenced the report submitted by the Planning Commission, and said the Commission felt there were no adverse impacts. He suggested that the actual density(s) of development would be subject to the suitability of the sites for on-site septic systems, which would be determined as development plans are created. With no further comment forthcoming, Chairman Fox declared that the Hearing would be continued to later in the meeting after discussion is completed on the wastewater collection system for Bicentennial Lane, that being the next scheduled appointment on the agenda.

Residents of the Bicentennial Lane neighborhood expressed their understanding that the wastewater collection main serving their homes was intended to become a public main once the Town had completed construction of the public sewer system. The public sewer system had been completed in 1987, but no inspection had ever been done to see if the neighborhood's installations met the code requirements to become accepted as a public responsibility, and no easements had ever been conveyed to the Town to allow access to the components of the system as would be needed for any repair or maintenance to be done. At the present, the system is considered by the Town to be a private system having a single connection to the public main on Sand Hill Road. It was agreed that further information should be gathered to help decide what should be done. As a preliminary step, Mr. Whitcomb will seek any information Dimmick Wastewater Service may have, as that company recently did repairs for the neighbors. He will also contact the Engineer who originally designed the system for the developer in 1975. When appropriate, the matter will be taken up again at a future Selectboard meeting.

Chairman Fox then reconvened the Public Hearing re. the Zoning Ordinance amendment, the time being 8:15 PM. Since there was no additional public comment, Chairman Fox declared the Public Hearing to be closed. The Board deliberated briefly regarding the merits of the amendment. Motion was then made by Bill Richards to adopt the amendment as proposed by the Planning Commission to be effective in the statutorily prescribed 21 days, this motion being seconded by Joe De Freitas and unanimously carried.

The Board then returned to the order of the agenda. A March 19, 2010 letter from James Bennett was reviewed, this being a letter of resignation effective immediately from the office of First Constable. By motion of Joe De Freitas, seconded by Bill Richards and unanimously carried, Mr. Bennett's resignation was accepted with regret. A subsequent motion was then made by Neal Fox, seconded by Bill Richards and unanimously carried, to appoint James Mason as the Town's First Constable.

Provision is being made for immediate needs at Town cemeteries. The Board members will continue to develop plans and procedures for future handling of cemetery business.

Motion was made by Bill Richards to re-appoint Shelie Richardson as the Town Service Officer, this motion being seconded by Joe De Freitas and unanimously carried. The prescribed form was then endorsed by the Board members for return to the Vermont Agency of Human Services.

By motion of Bill Richards, seconded by Joe De Freitas and unanimously carried, David Aiken was re-appointed as the Town's representative to the Stagecoach Board of Directors.

An April 1, 2010 letter from APP GAP Promotions was next discussed, this being a request for permission to use the North Road as part of a bicycle race course. The event is planned to run from Killington to Bethel along Routes 100 and 107, turning onto the North Road to Barnard and thence to Route 4 and back to Killington. The event will be

held on May 31st, and will be well-publicized and provided with both EMS and law enforcement assistance. Motion to allow use of the North Road as proposed was made by Joe De Freitas, seconded by Bill Richards and unanimously carried.

Current plans and a “Necessity Petition” for replacement of the River Street Bridge were then reviewed, this being a Vermont Agency of Transportation project. The Board saw no new details of the project other than minor changes planned for the intersection of Peavine Boulevard. No action was required or taken at this time.

Budget Status Reports for the Town General Fund, the Water Department, the Wastewater Department, and the Solid Waste Program were discussed. Various line items in the Public Works portion of the budget were discussed with respect to how best to provide clarity and adequate tracking of revenues and expenses. No action was required or taken.

Several matters pertaining to the Town Hall rehabilitation project were then discussed. A formal letter has now been received from the National Park Service acknowledging approval of the architectural plans. The Board reviewed the Restoration Committee’s minutes of March 23, 2010, and the job meeting minutes of April 6, 2010. Floor plans for the basement level were examined, along with the architect’s comments pertaining to them; it was agreed that these plans were acceptable, although the architect will be consulted with further about having a larger door opening to the southerly section of the basement. It was agreed that the wall-mounted radiators to be used in the upper level should be designed to have an operating water temperature of 160 degrees, which it is understood would utilize 66 inch wide radiation units. The architect will also be asked to look at plans recently received from Dark Star Lighting to see if the electrical system now designed in the project would accommodate an installation as per the one received from Dark Star Lighting. (This data relates to lighting and acoustics for the stage area.)

The motion was then made by Joe De Freitas, seconded by Bill Richards and unanimously carried, to enter executive session to discuss litigation in which the Town is a party. Delbert Cloud was the only person remaining with the Board for the executive session; no minutes were kept. Upon return to open meeting at 11:05 PM, the only motion was that to adjourn, this being made by Bill Richards, seconded by Joe De Freitas and unanimously carried.

Neal Fox

Bill Richards

Joe De Freitas