

Minutes of the May 19, 2008 Regular Meeting of the Board of Selectmen.

Present: Neal Fox, Bill Richards, Joe De Freitas, Delbert Cloud, Amy Bergamo, Delta Thurston, Donald Phillips, Rachel Marvin (the latter two individuals being representatives of the engineering firm Forcier Aldrich & Associates), and Mary Anderson of the "Herald of Randolph."

The meeting was called to order at 6:00 PM by Chairman Neal Fox. The minutes of the May 5, 2008 meeting of the Board of Selectmen were approved by motion of Bill Richards, seconded by Joe De Freitas and unanimously carried. The Board examined a draft "Warrant" for issuance of authority to the Town Constables to impound and destroy unlicensed dogs; this Warrant was unanimously endorsed. The Constable's report of May 4, 2008 was reviewed and placed on file.

Delbert Cloud gave a brief update on the radio communications project wherein the Fire Department will be equipped with highband frequency. It has been determined that some of the "old" equipment can be re-programmed and installed as an upgrade to the benefit of the Highway Department.

Cloud next explained the "Reconciliation" of taxes due the School District, the subject report having just been received from the Vermont Department of Taxes. Primarily due to failure of various property owners to do a timely filing of their "Homestead Declarations," the School District is now owed an additional \$3,525 from the Town; involved property owners have been billed for their respective amounts from time to time as that information has become known.

Chairman Fox then welcomed Donald Phillips and Rachel Marvin, they being present per appointment to provide a report on their evaluations of rates and budget implications for the Water and Wastewater Departments. An agenda for their presentation was distributed, setting forth the following topics: "Purpose of the Study, Present Rate Structure System, and Sample User Water & Sewer Charges." Various hand-outs were provided as part of the ensuing discussion, all being ultimately the basis for the firm's recommendations which were identified as "Alternative No. 4." Although it became clear that there would be some changes in the rates applicable to various properties, it was also determined that the cost implications to most accounts would be quite minor if the recommendations were implemented. It was also evident that the present rate structures in use are generating sufficient funds to meet operating expenses, but not sufficient revenues to build adequate reserve accounts. The rates for both departments were confirmed to be less than typical rates charged within the State as a whole, based on federal and state parameters for loan/grant eligibility which Forcier Aldrich & Associates actively works with. Discussion concluded at 7:40 PM, and it was left that the Board members would continue the review of the subject recommendations at a future time. Donald Phillips, Rachel Marvin, and Delta Thurston left at this time.

Amy Bergamo then requested an opportunity to speak with the Board about the Town Hall rehabilitation project. It was agreed that information from the architect is critical in order to keep momentum with the project, and address financing sources. Chairman Fox, Ms. Bergamo, and Delbert Cloud will pursue discussion with the architect with the hope of expediting decisions.

The Board then returned to a review of the "Budget Status Reports" for the Water and Wastewater Departments and the Town General Fund. Delbert Cloud identified various line items within the Highway Department portion wherein significant cost over-runs have occurred and which will need to be addressed and dealt with upon close of the current fiscal year.

A memo dated May 14, 2008 from Wendy Pratt on behalf of the Whitcomb Senior Class was then taken up, this being a request for permission to conduct a coin drop on Church Street on May 25, 2008 between the hours of 9 AM and noon. This fundraising is in support of the "drug and alcohol free" graduation program. After due consideration, motion to approve the request was made by Bill Richards, seconded by Joe De Freitas and unanimously carried.

A letter dated May 8, 2008 from Andrea Richards re. speed limit issues applicable to Dartt Hill Road was discussed next. It was agreed that gravel roads now have considerably more traffic in recent years and that the State "default" speed limit is much too fast for such roads. The Board agreed to take up this matter on a more formal basis as soon as possible, when necessary statutory data is available and the road system as a whole can be considered. It is anticipated that a decision on this subject can be expected within a couple of months.

The Board then considered a request from Mascoma Savings Bank for permission to close off the southerly entrance to the Main Street Parking Lot from 8 AM to 2 PM on June 6, 2008, and concurrently utilize a

portion of the parking lot, for a “customer appreciation celebration.” The request was approved by motion of Joe De Freitas, seconded by Bill Richards and unanimously carried. The Board also considered a second request from Mascoma Savings Bank for permission to designate 10 parking spaces as dedicated to the Bank’s usage. The Board members acknowledged that this had been a condition when the predecessor in title (Green Mountain Bank) had given involved land to the Town for construction of the parking lot. Motion to honor this condition was made by Bill Richards, seconded by Joe De Freitas and unanimously carried. Delbert Cloud will discuss the locations for handicap parking spaces with Mascoma Savings Bank officials.

By motion of Joe De Freitas, seconded by Bill Richards and unanimously carried, the permission to conduct a bicycle road race event partly on specified Town Highways on August 31, 2008 was granted to APPGAP Promotions.

A May 5, 2008 memo and supporting information re. the “Transportation Project Prioritization Process” was then reviewed, this having been submitted by Chuck Wise, Transportation Planner for the regional planning commission. The Board determined which projects bore significance to the Town and the relative priorities established. No action was required or taken.

The Board then reviewed a May 12, 2008 letter from J. Paul Giuliani, Esq., re. the 2008 Vermont Municipal Bond Bank Sale which is scheduled for this forthcoming July. By motion of Joe De Freitas, seconded by Bill Richards and unanimously carried, the following “Resolution” and the associated “Tax Certificate,” “Loan Agreement,” and “Bond” were approved:

“WHEREAS, at a meeting of the Board of Selectmen of the Town of Bethel (herein called the “Municipality”) at which all or a majority of the members were present and voting, which meeting was duly noticed, called and held, as appears of record, it was unanimously found and determined that the public interest and necessity required certain public improvements herein described by reference to Exhibit A attached, and it was further found and determined that the cost of making such public improvements, after application of available funds and grants-in-aid from the United States of America and/or the State of Vermont, would be too great to be paid out of ordinary annual income and revenue, and that a proposal for providing such improvements and the issuance of bonds of the Municipality to pay for its share of the cost of the same should be submitted to the legal voters at a meeting thereof, and it was so ordered, all of which action is hereby ratified and confirmed; and

WHEREAS, pursuant to the foregoing action, a meeting of the Municipality was warned and held at the place and time appointed therefore, submitting an article(s) of business to be voted upon by ballot between the hours stated in the Warning, all as appears by reference to Exhibit A attached hereto; and

WHEREAS, the said Warning was duly recorded, published and posted, and said meeting was duly convened and conducted, or was subsequently validated in the manner provided by law, all as appears of record, and which proceedings are hereby ratified and confirmed in all respects; and

WHEREAS, immediately upon closing of the polls and after counting of the ballots cast, the results as set forth in Exhibit A hereto were declared by the moderator, all as appears of record, and pursuant to which the Municipality is carrying forward the authorized improvements and pursuing the same diligently to completion; and

WHEREAS, pursuant to powers vested in them by law the said Board of Selectmen is about to enter into a Loan Agreement (Exhibit B) on behalf of the Municipality with the Vermont Municipal Bond Bank respecting a Loan from said Bank in the amount of \$350,000 repayable, and with interest, as follows:

<u>Payment Due</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
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As per Exhibit C attached.

AND WHEREAS, the Bond to be given by the Municipality to the Vermont Municipal Bond Bank at the time of receiving the proceeds of said Loan shall be substantially in the form attached hereto as Exhibit D, which Bond is hereby awarded and sold to the Vermont Municipal Bond Bank at a price of par and accrued interest;

THEREFORE, be it resolved that the Board of Selectmen proceed forthwith to cause said Bond to be executed and delivered to the Vermont Municipal Bond Bank upon the price and terms stated, and be fully registered as the law provides; and

BE IT FURTHER RESOLVED, that said Bond, when issued and delivered pursuant to law and this Resolution, shall be the valid and binding general obligation of the said Municipality, payable according to law and the terms and tenor thereof from unlimited ad valorem taxes on the grand list of all taxable property of said Municipality as established, assessed, apportioned and provided by law; and

BE IT FURTHER RESOLVED, that in addition to all other taxes, there shall annually be assessed and collected in the manner provided by law each year until this Bond or any bond or bonds issued to refund or replace the same, and the interest thereon, are fully paid, a tax, charge or assessment sufficient to pay the interest on such Bond or bonds and such part of the principal as shall become due; and

BE IT FURTHER RESOLVED, that execution of the above-referenced Loan Agreement between the Municipality and the Vermont Municipal Bond Bank is hereby authorized, the presiding officer of the Board of Selectmen of the Municipality being directed to execute said Loan Agreement on behalf of the Municipality and the Board of Selectmen thereof; and

BE IT FURTHER RESOLVED, that the Municipality expressly incorporates into this Resolution each and every term, provision, covenant and representation set forth at length in the above-described Loan Agreement, the Loan Application made by the Municipality to the Vermont Municipal Bond Bank (Exhibit E), and the Tax Certificate (Exhibit F) to be delivered in connection with the issuance and sale of the Bond, execution and delivery of each of which is hereby authorized, ratified and confirmed in all respects, and the covenants, representations and undertakings set forth at length in said Loan Agreement, Loan Application and Tax Certificate are incorporated herein by reference; and

BE IT FURTHER RESOLVED, that all acts and things heretofore done by the lawfully constituted officers of the Municipality, and any and all acts or proceedings of the Municipality and of its Board of Selectmen in, about or concerning the improvements hereinabove described and of the issuance of bond(s) or other evidence of debt in connection therewith, are hereby ratified and confirmed.

BE IT FURTHER RESOLVED, that in connection with the pending sale of the Municipality's Bond in the face amount of \$350,000 to the Vermont Municipal Bond Bank, execution and delivery of the Bond, this Resolution Certificate, Loan Agreement, Tax Certificate, and incidental documents, all attached hereto, are authorized; and

BE IT FURTHER RESOLVED, that McKee, Giuliani & Cleveland, bond counsel to the Municipality, be authorized and empowered to take possession of said documents for delivery to the Vermont Municipal Bond Bank, and to complete said documents by the inclusion of appropriate dates and ministerial changes at the direction of the Board of Selectmen of said Municipality or its designated officer; and to acknowledge receipt of the proceeds of said Bond on behalf of the Municipality; and

BE IT FURTHER RESOLVED, that, to the extent it is necessary for the Municipality to comply with the covenants, undertakings, representations and certifications set forth in the above-referenced Tax Certificate, the Municipality's Treasurer and its bond counsel are authorized to order for purchase by the Municipality out of the proceeds of its Bond such federal and state obligations as may be required to limit or restrict investment yield on such Bond proceeds, thereby avoiding rebate payments to the United States; and

BE IT FURTHER RESOLVED, that to the extent proceeds derived from the sale of the Bond will be used to reimburse the Municipality for capital expenditures previously made for the improvements described in Exhibit A, this Resolution shall serve as a declaration of official intent under Section 1.150-2 of the Treasury Regulations (or a republication of any previously made declaration of official intent) to effect a reimbursement in an amount not to exceed the total of all previous capital expenditures; and

BE IT FURTHER RESOLVED, that the proceeds derived from the sale of said Bond be delivered to the following for deposit:

Mascoma Savings Bank

And we, the undersigned officers, as indicated, hereby certify that we as such officers have signed said Bond dated as of July 1, 2008, payable as aforesaid, and reciting that it is issued under and pursuant to the vote hereinabove mentioned, and we also certify that said Bond is duly registered in the office of the Treasurer of the Municipality as prescribed by law.

And we, the said officers of the Municipality, hereby certify that we are the duly chosen, qualified and acting officers of the Municipality as undersigned; that the Bond is issued pursuant to said authority; that no other proceedings relating thereto have been taken; and that no such authority or proceeding has been repealed or amended.

We acknowledge that information the Municipality has furnished the Vermont Municipal Bond Bank and others will be relied upon in the public offering of securities for sale. We represent that all information the Municipality has provided in connection with the Loan, the Bond, the Loan Agreement and all certifications, statements, representations, and records identified or referred to therein are true, accurate and complete to the best of our knowledge. We further represent that the Municipality has disclosed to the Vermont Municipal Bond Bank and others all information material to the Loan, and the public offering of securities by the Vermont Municipal Bond Bank, and has not failed to disclose any information it deems material for such purpose.

We further certify that no litigation is pending or threatened affecting the validity of the Bond nor the levy and collection of taxes, charges or assessments to pay it, nor the works of improvement financed by the proceeds of said Bond, and that neither the corporate existence of the Municipality nor the title of any of us to our respective offices is being questioned.”

The following communications were then reviewed and placed on file: (1) the April newsletter of the regional planning commission, (2) notice from the Vermont League of Cities & Towns re. legislative policy development committees and of the 2008 Town Fair, (3) an article from the May 1, 2008 issue of the “Vermont Standard” re. “Ancient Roads,” and (4) a May 12, 2008 letter from the Vermont Department of Environmental Conservation re the pre-approval status of the White River Alliance Solid Waste Implementation Plan.

With respect to the latter communication, it was agreed that contract conditions relevant to the solid waste program need to be discussed and that this should be done within executive session as premature public knowledge of such discussions could be adverse to the interests of the Town. Motion to enter executive session for such purpose was made at 9:35 PM by Bill Richards, seconded by Joe De Freitas and unanimously carried. Delbert Cloud was the only person remaining with the Board during the executive session. No minutes were kept. Upon return to open meeting at 10:45 PM, no motion stemming from the executive session was made, although it was publicly announced that a joint meeting would be held with the Royalton Selectboard on June 23, 2008 subject to concurrence of scheduling. Motion to adjourn was then made by Bill Richards, seconded by Joe De Freitas, and unanimously carried.

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Neal Fox

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Bill Richards

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Joe De Freitas