

Special Select Board Meeting -Warned to meet at 4:00 pm September 29, 2008

Present and Participating Members:

Selectboard - Alene Evans, Joseph Juhasz, Henry Martin and Carole Melis
Listers - Howard Lott, Richard Lucier and Andrea Royce
Town Attorney - Robert Fisher
West River complex –
Attorney Robert A. Gensburg and Robert Crego
B&B Associates - Ann Bernhardt

At 4:05 PM Henry Martin called **the meeting to order** and at 4:07 pm *made a motion to go into Executive Session, inviting Attorney Fisher to discuss a contractual matter, as permitted under Title 1 VSA Section 313, seconded by Evans and unanimously carried by the Board.*

At 4:25 PM Juhasz moved to come out of Executive Session, seconded by Martin, unanimously carried by the Board.

Martin informed those present that Attorney Fisher accepted the Board's request to conduct this meeting.

Fisher told everyone that his first focus would be to establish a paper trail of the events and meetings, as well as conversations and consultations, regarding the appraisals of West River Independent Living and West River Assisted Living buildings and property (hereinafter WRIL and WRAL).

He established that Robert Crego had grieved the initial 2008 appraisal(s) and submitted State revenue forms indicating the substantial reduction(s) which were subsequently granted.

Fisher then questioned the Listers and Anne Bernhard about the procedures, actions, agreements, time tables and telephone conversations made or taken which resulted in the Change of Appraisal notices being sent to WRIL and WRAL. They indicated that they had consulted with Mark Paulson of the State Tax Department, and reviewed the Vermont Statues and Federal (VHFA) guidelines, as well as the documentation supplied by Crego, before sending the new, reduced, Change of Appraisal notices.

Fisher requested that copies of all written material be provided to him, and then read aloud the specific Statues that govern this issue. Essentially, the Change of Appraisal Notices which had been sent by the Listers to WRIL and WRAL, in which the assessments of the two buildings were reduced significantly, may bind the Town even if the documentation provided by the taxpayer was flawed.

Attorney Gensburg agreed that the formulas used were flawed and that the appraisals should be raised to those values allowed by the correct formulas. Gensburg then offered to recalculate the financial statements with a six-month audit to be provided by Crego, to work with a CPA to determine the correct assessment of the buildings for the current year, and to present those calculations to Fisher.

At 5:25 PM all invited guests left, and *Martin moved that the Board go into Executive Session with Fisher to continue discussing this contractual matter, seconded by Melis and carried by the Board. No action resulted from the Executive Session.*

At 5:42 PM Martin called their brief meeting to order to discuss:

Town Garage – Melis relayed her discussion with the Bond Bank on the procedures to be followed if the Town receives approval to apply for a 20-year Bond for the construction of a new Town garage. Fisher reviewed the documents prepared in accordance with Attorney Paul Giuliani's directions, and made revisions to the Resolution. *Melis moved that the Select Board pass the Resolution, as amended, a copy of which is attached, which set the date of November 4, 2008 for a Special Town Meeting to allow the voting to take place, seconded by Juhasz, carried by the Board.*

Melis reported that the Board must warn a Public Hearing for the purpose of discussing the proposal for the Town garage, and the Board selected Monday, October 27 for the Hearing. A Warning of that meeting will be prepared by Melis and posted and published as required by statute. She also announced that an Open House will be held at the current Town garage building on Saturday, November 1 from 10 AM to 4 PM. for voters to see for themselves the condition of the current garage.

Select Board's Clerk Position - An Auditor had applied for the position, and Attorney Fisher was asked if that constituted a conflict of interest. Fisher stated the Town should err on the side of caution, that an elected Auditor should not work or perform duties outside of their elected position. Attorney Fisher and Melis left at 6:00 PM.

Fountain - The Town has received a contract for the repair of the Fountain's base and a one year maintenance contract from Paul Lewis of Willow-Glen Builders, which Martin signed. The payment of the 50% deposit required before construction was authorized on a Warrant.

- *Evans moved to pay and sign Warrant #S2908, dated 9/29 – 10/1 in the amount of \$6,078, seconded by Martin, carried by those present.*

- Martin updated the Board on the following:

Windham Regional Commission (WRC) informed Monette, chair of the Planning Commission (PC) on Monday that it was the last day to apply for a grant for WRC to assist the PC in creating a new Town Plan. As time was of the essence, he allowed the PC to work with WRC directly in applying for this grant.

Martin has been in contact with VT Telecom which has asked the Town to allow a cell tower to be placed in the Church steeple. The representative from VT Telecom asked to review a copy of the Town's Telecommunication Ordinance, after which he may have to meet with the Board.

In other Towns which have adopted a similar ordinance he indicated that he has seen no obstacles in creating or setting cell towers. Davis was instructed to fax the Town's Ordinance directly to VT Telecom.

- Evans had spoken with L&G UHS Board of Director's chair, Emily Long, regarding the Town's right-of-way to access the rear of the Town Hall.

-Davis added to Evans' compiled select board clerk's job description, which was copied to all Select persons. After discussion, *Evans moved to hire Craig Hunt as their clerk on a three month trial basis, seconded by Martin, carried by the Board.*

*At 6:10 PM Evans moved to **adjourn**, seconded by Juhasz and carried by those present.*

Respectively submitted,

Cynthia Davis, clerk for the Select Board.