

**TOWN OF SPRINGFIELD
SELECTMEN'S HALL – 96 MAIN STREET – THIRD FLOOR
MONDAY, AUGUST 17, 2015 @ 7:00 PM
PUBLIC HEARING
Immediately Following
REGULAR BOARD OF SELECTMEN MEETING**

MEETING MINUTES

A. CALL TO ORDER AND ROLL CALL:

Chairman, Kristi Morris, called the meeting to order at 7:00 PM. The Pledge of Allegiance and Roll Call were taken.

Board Members Present: Chairman, Kristi Morris, Vice-Chairman, Stephanie Thompson, Walter Martone, George McNaughton and Peter MacGillivray

Also Present: Town Manager, Tom Yennerell, Comptroller, Jeff Mobus, Town Clerk, Barbara Courchesne, Fire Chief, Russell Thompson, and Town Attorney, Stephen Ankuda.

B. ANY REQUESTED ADDITIONS TO THE AGENDA: None

C. MINUTES:

Regular Board of Selectmen, Meeting Minutes, July 20, 2015

**MOTION: Vice-Chairman, Stephanie Thompson, moved to approve the Regular Board of Selectmen Meeting Minutes of July 20, 2015 as distributed.
Seconded by Peter MacGillivray.**

Chairman, Kristi Morris, asked if there were any changes or corrections to be noted.

Pg. 4, Paragraph 4, Next to last sentence should read: Chairman Morris wanted to know if this request passed legislation, which would monitor or decide what should be done. Requested by Chairman Morris.

Pg. 7, under Future Agenda Item Proposals, Item 3: sentence should read: Discuss the protocol disposal or reuse of vacant town lots. Requested by George McNaughton.

Pg. 2, beginning of Paragraph 3, sentence should read: Chairman, Kristi Morris, asked for samples of signs. Requested by Walter Martone.

Pg. 3, Item 3, beginning of sixth sentence should read: New England Municipal Consultants, (NEMC), are the preferred company after interviews with the bidders, references checked, and review of the proposals were done. Requested by Walter Martone.

Vote: 5 Yes, passed unanimously

D. PUBLIC HEARING FOR UNSAFE BUILDING ORDER APPEAL:

ITEM 1: 21 – 23 Valley Street: Unsafe Building Order of Appeal started at 7:08 PM.

George McNaughton asked the Town Attorney to confirm what the options were for the 21-23 Valley Street Property.

Town Attorney Ankuda gave the Selectboard two options: 1. Vacate the prior Order, 2. Modify the Order, or 3. Deny the appeal and keep the order in force.

Chairman Morris introduced Attorney, Richard Bowen, and Property Owner, Donald Bishop. Chairman Morris also noted SAPA TV will be the official record as we are not taking dictation for the Hearing. Attorney Bowen informed the Town, that at no time have Mr. & Mrs. Bishop received the Structural Engineer's Report that was provided to the Unsafe and Dilapidated Building Committee. He also commented the Order Mr. & Mrs. Bishop received stated the Structural Engineer's Report was attached and it was not and according to the Order it was supposed to be provided. Attorney Bowen went on to state Valley Street has been and is closed because of water and sewer construction work, there is heavy equipment owned by the contractor, and large concrete barriers and construction materials blocking access to Mr. Bishop's property. Mr. Bishop's Structural Engineer has not been able to access the building and has not been provided with enough time to respond to Mr. Hindinger's Structural Engineering Report. Attorney Bowen requested a postponement of the Hearing of Appeal for 30 Days. This would allow for the construction equipment and materials to be removed from Mr. Bishop's property. This would allow Mr. Bishop enough time to address the issues raised from the Unsafe Building Order issued.

Town Manager, Tom Yennerell, noted the Structural Engineer's Report is considered to be a public record. Mr. Bowen could have requested a copy of the report. Town Manager Yennerell thought Attorney Bowen received the Structural Engineering Report on Friday, August 14, 2015. Attorney Bowen stated he did receive a report last Friday, but it was for a different property.

Attorney Bowen stated that he and Mr. Bishop are not prepared to move forward because they do not have the Structural Engineering Report and do not have access to the building right now.

Town Manager Yennerell inquired if Attorney Bowen and/or Mr. Bishop had asked the contractor if he could move his equipment aside to allow access to the building in order to put up ladders, etc. Attorney Bowen offered photos of the area, but stated they have not asked the contractor to move anything.

Attorney Ankuda and the Selectboard discussed the fact Mr. Bishop was entitled for a fair Hearing of Appeal.

MOTION: **George McNaughton moved to postpone the Hearing of Appeal for the 21 -- 23 Valley Street and continue the Hearing on Monday, September 28, 2015.**
 Seconded by Vice-Chairman, Stephanie Thompson

Chairman Morris commented we were in a Hearing of Appeal and did not need a motion. Chairman Morris also noted Valley Street has not been closed all the time. There has been access to Perkins Deli throughout the construction. Attorney Bowen was provided with Mr. Hindinger's Structural Engineering Report of 21 - 23 Valley Street.

The Hearing of Appeal regarding 21 - 23 Valley Street will recess tonight and continue on Monday, September 28, 2015. The Hearing of Appeal closed at 7:18 PM

E. **OLD BUSINESS**

ITEM 2: Act on Unsafe Building Order Extension for 129 Tarbell Road. Mr. Jeff and Rosa Clay were present at the meeting. Town Manager Yennerell stated the Selectboard voted to delay the demolition order until July 30, 2015 and reassess the situation after that date. The Selectboard requested monthly reports on the progress beginning April 30, 2015 and on the last day of each month until July 30, 2015. Reports were received for April and May. On June 6, 2015 Structural Engineer, Todd Hindinger, Town Manager Yennerell, and property owner, Jeff Clay met on site so Mr. Clay could get an exact understanding of what work would be required to meet Mr. Hindinger's specifications. This was the first time, Mr. Hindinger had access to the inside of the structure. Mr. Hindinger stated the whole foundation and the whole first floor deck would have to be replaced. The Unsafe and Dilapidated Building Committee is seeking a total demolition.

Structural Engineer, Todd Hindinger, went over his report regarding 129 Tarbell Road. In addition, Mr. Hindinger submitted photos to the Selectboard. Photo #1 View of the garage, Photo #2 View of the garage walls collapsing, Photo #3 View of the masonry blocks, Photo #4 was not mentioned, Photo #5 Provides a view of the many props to hold up the foundation, Photo #6 View of the foundation wall and lack of support, and Photo #7 & #8 shows the deterioration of the lumber and the original floor joists collapsed and someone over the past two decades had placed 2x2s flat instead of on their sides. He also noted the current repairs made were nowhere sufficient to change his mind about the condition of the structure. Also noted that previous repairs to the structure were not done properly causing more problems. The Structure Engineering Report specifically outlines that there are critical structural members, not a few sections of rot. We are talking about a structure that has been subjected to surface moisture due to the crawl space and basement. Most of the columns and lumber have dry rot which provides very little structural capacity. Another concern for Mr. Hindinger was the condition of the garage, which is in rough shape and very unsafe. The garage is built of masonry blocks and they are collapsing. Mr. Hindinger stated a reasonable repair for the house would be a new foundation and new framing from the windows down.

Mr. Jeff Clay stated if he had never contacted the Town about taxes he would have never known about the Demolition Order against his property. Mr. Clay's research finds the Town filed the Demolition Order on the property after he purchased the property. Mr. Clay stated that he would have never purchased the property if he had known of the Demolition Order. The Clay's do not feel this procedure was fair. Mrs. Clay shared they had planned on removing the garage for safety reasons and they have posted NO TRESSPASSING signs. She also stated they knew the structures were in deplorable condition when they purchased the property. They planned on relocating to Vermont in about two years when the work was done on the property and structures.

Vice-Chairman, Stephanie Thompson, inquired at the closing if there was ever an assessment or appraisal on the property. Mr. Clay said they purchased the property "as is", therefore an assessment or appraisal was not required.

The Selectboard Members and the Clays discussed what the options or recourse might be. However, as noted by the Selectboard it doesn't make a difference when the Unsafe Building Order was recorded against the property because the structure still remains the same; very unsafe and structurally unsound. Just because the Unsafe Building Order was not recorded against the property doesn't give the property a pass. The Selectboard recognizes this is a very awkward, unfortunate situation for everyone involved.

Chairman Morris explained to the Clays it would be more cost effective if they demolish the structure than the Town. If the Town demolishes the structure, the Clays will be charged for the demolition and a lien will be issued against the property.

The Town Attorney explained the procedures that could be followed for an appeal. The original appeal has expired, and it was time for the Selectboard to enforce the Unsafe Building Order that was issued. However, Mr. Clay wrote a letter to the Selectboard and stated this was not fair, not right. At that time the Selectboard voted not to enforce the ordinance with time provided. The Selectboard gave the Clays until July 30th to meet compliance. The time frame has now expired. Structural Engineer Hindinger has reported the structure has not been brought up to compliance. The Selectboard could issue a decision today, because they modified the order by extending it, that time is now expired. If an Order is issued today, that creates a new Appeal time frame

MOTION: Walter Martone moved to adopt in whole the findings of the Structural Engineer, Fire Chief, Deputy Health Officer, and the Committee as a whole. The structure, the attached garage and attached decks and porches are determined to be dangerous or unsafe buildings as defined in Springfield Code Section 5-26 and are determined to be a public nuisance. The Board of Selectmen recommends the following:

- The structure, the attached garage and attached decks and porches are declared a nuisance.
- The structure and the attached garage are ordered vacated immediately upon receipt of this Order.
- The structure, the attached garage and attached decks and porches be totally demolished, the debris removed and the site and property made safe by eliminating any hazards such as cellar holes or other surface irregularities on the site. The work is to be completed within 60 days and pursued in accordance with State and Federal laws and regulations.
- If such structures and property are not demolished and the debris appropriately disposed of within 60 days of receipt of this Order, the town of Springfield may, without further notice, demolish said structures and dispose of the debris at the expense of the property owner and the filing of this Order and Report of such demolition shall constitute a lien on said real estate property.

Seconded by Peter MacGillivray

Richard Andrews stated he agrees with the decision of Selectboard and feels the Town should go forward.

Vote: 5 Yes; passed unanimously

Mr. Clay requested the Unsafe Building Order be sent to the following address:
Jeff Clay, 45 Baymor Drive, E. Longmeadow, MA 01028

F. **NEW BUSINESS:**

ITEM 3: Act on Planning Commission Request for Member Removal - Town Manager Yennerell provide a brief overview of the situation. The Planning Commission has voted and is requesting the Board of Selectmen to consider the removal of Charles, Chuck, Gregory. Traditionally Planning Commission members have been residents of the Town and they feel that Mr. Gregory currently is not a resident of the Town. Chairman Morris stated there is a motion, which has been seconded and the discussion that surrounded that and the Selectboard has received a copy of those minutes. In addition, a copy of the application completed by Mr. Gregory listing a Springfield address when he applied for a position on the Planning Commission is enclosed. Walter Martone started out by commenting this request for removal of a member of the Planning Commission is a residency issue based on tradition not based on the law. The law has Statutes that say only the majority of the Planning Commission Membership need to be residents of the Town. Mr. Martone stated he is uncomfortable ruling on something that is traditional; he has bumped up against this a number of times even on the Board of Civil Authority. These agreements are not very defensible. If this is truly a residence thing, there is nothing in the Town Charter, except to view State Statutes. The Secretary of State has a very specific question and answer thing, that asks who is a resident for voting purposes?

A resident is defined as a person who is domiciled in the Town and has evidence by intent to maintain a principal dwelling place in Town indefinitely and to return there when temporary absent, coupled with an act or acts consistent with that intent. It further goes on to state the law creates a subjective standard, meaning it is the voter's intent and action that determine residency, not how many nights a year the voter sleeps in Town. A voter, who has more than one home, must decide which one is his or her principle dwelling place. He also stated he felt very uncomfortable dealing with, but he knows probably is not the true intent here, that there is another issue that should be tackled head on, but if we are being presented with an issue relating to residency, I find no residency issue. There are Statutes by the State of Vermont, (§ 4322 Planning Commission; Membership),

MOTION: Walter Martone moved to dismiss the Planning Commission's request for a removal of a Planning Commission Member.
Seconded by Vice Chairman, Stephanie Thompson.

Each Selectboard member gave their views on the situation and they all agreed mainly because of State Statutes there should not be a residency issue. A few Selectboard members suggested the members of the Planning Commission learn to get along with other.

Walter Clark, resident and Planning Commission Member. He commented he hoped the Board had read his reason for the removal of Mr. Gregory. His reason for removal did not pertain to residency; his request pertained to the fact Mr. Gregory misrepresented himself. If Mr. Gregory proved that he was a resident by the Statutes, he would not have had any problem. Chairman Morris stated the Selectboard would not entertain those comments.

Mr. Gregory stated he had spoken with the Town Manager Yennerell and Attorney Ankuda about his status regarding residency. He was informed if he had filed the HS 122 for that particular year, in which he did, he was considered a resident.

Vote: 5 Yes, passed unanimously.

ITEM 4: Sign Vermont Commerce & Community Development Program Forms: Town Manager Yennerell explained there were a few pieces of paperwork that needed the Selectboard's attention. There are two, (2), forms that need to be executed for the Agency of Vermont Commerce & Community Development Program to secure the funding for the Meadow Drive Stormwater Project, which installs approximately 900 feet of new storm drains and repairs the erosion on the steep bank between Meadow Drive and highway below. Form MP-1 is a Grant Agreement Resolution making the Selectboard aware that the Agency of Commerce & Community Development is tendering a grant agreement to the municipality in the amount of \$388,000.00 and authorizes the Town Manager, Tom Yennerell, to act as an Agent for the grant. Form PM-1 confirms the Town of Springfield complies with the Municipal Policies and Codes in order to receive these funds.

MOTION: Peter MacGillivray moved for the execution of the forms and to provide signatures on Form MP-1, Grant Agreement Resolution and Form PM-1 Municipal Policies and Codes of the Agency of Commerce and Community Development Program in connection with the Meadow Drive Stormwater.
Seconded by: Vice-Chairman, Stephanie Thompson
Vote: 5 Yes, passed unanimously.

ITEM 5: Valley Street Water Project - Sign Resolution, Loan Agreement, General Obligation Bond, Tax Certificate and Davis Bacon Certificate to increase the bond to \$830,058.00. Town Manager Yennerell explained the above referenced paperwork was necessary to increase the Bond amount for the Valley Street Water Project. The Bond also funds the work on Pine and Myrtle Streets.

MOTION: George McNaughton moved for the execution of the forms and to provide the signatures on the Resolution, Loan Agreement, General Obligation Bond, Tax Certificate, and Davis Bacon Certificate to increase the Bond to \$830,058.00 for the Valley Street Water Project.
Seconded by Peter MacGillivray
Vote: 5 Yes, passed unanimously

ITEM 6: Toonerville Trail Permit

Michele Delhaye on behalf of the Springfield Humane Society has submitted a Toonerville Trail Permit to hold a "Howl" Ween Dog Walk on Saturday, October 24, 2015 from 8:30 to 11:00 AM. Ms. Delhaye also requested to use Sunday, October 25, 2015 at the same time for a rain date.

MOTION: Vice-Chairman, Stephanie Thompson, moved to approve the Toonerville Trail Permit submitted on behalf of the Springfield Humane Society to hold a "Howl" Ween Dog Walk on Saturday, October 24, 2015 from 8:30 to 11:00 AM and if necessary to use Sunday, October 25, 2015 at the same time for a rain date.
Seconded by: Peter MacGillivray

Ann Eddy, Director of the Springfield Humane Society, was present. She introduced herself and offered to field questions and reassured the Selectboard the trail and surrounding area would be left clean.

Vote: 5 Yes, passed unanimously

ITEM 7: Parade Request Application

Michael Johnson, Director of the Turning Point Recovery Center, has requested to hold an event entitled "Celebrate Recovery in Vermont" on Saturday, September 12, 2015 from 12:30 to 8:00 PM. There will be several musical groups entertaining the crowd. The event will be held at the Riverside Bandstand and the surrounding area in front of the bandstand.

MOTION: Vice-Chairman, Stephanie Thompson, moved to approve the request from Michael Johnson, Director of the Turning Point Recovery Center to hold an event entitled "Celebrate Recovery in Vermont" on Saturday, September 12, 2015 from 12:30 to 8:00 PM at the Riverside Bandstand and the surrounding area.
Seconded by: Walter Martone
Vote: 5 Yes, passed unanimously

Town Manager Yenerell requested a slight change to the order of the agenda. He suggested the Selectboard address ITEM #12 because the remainder of the items could take a while. The Selectboard agreed to change the sequence of the agenda.

G. **LIQUOR CONTROL COMMISSION:**

ITEM 12: Liquor License

Local Liquor Control Opened at 8:40 PM.

Town Clerk, Barbara Courchesne, prepared a memo for the Board of Selectmen with information pertaining to The River Run Team Challenge, co-sponsored by Edgar May Health and Recreation Center and the Springfield Medical Care System, Inc. The Selectboard has already given permission for the event, however there will be a "beer tent" at this event. Hermit Thrush Brewery, LLC will be providing the beer. Town Clerk Courchesne attached a copy of the License to Manufacture currently held by Hermit Thrush Brewery, LLC. Town Clerk Courchesne has requested authorization from the Selectboard to sign the "Application for Special Event" and pass it along to the Vermont Department of Liquor and Control, VDLC. She also introduced Christian Craig from Edgar May and Avery Schwenk from Hermit Thrush Brewery. Both gentlemen spoke and listed events such as, a Pizza Cook Off, Beer Samples combo with pizza, and the 5K Team Challenge event.

MOTION: Peter MacGillivray moved to authorize Town Clerk, Barbara Courchesne, to sign the Application for Special Event form allowing the River Run Team Challenge Event to host a Beer Tent.
Seconded by: Vice-Chairman, Stephanie Thompson
Vote: 5 Yes, passed unanimously

Local Liquor Control Closed at 8:45 PM.

ITEM 8: Discuss letter from Planning Commission on a Pocket Park Policy: Town Manager Yennerell stated several months ago the Selectboard asked the Planning Commission to establish a criteria to establish Pocket Parks. The Planning Commission has sent a memo to the Selectboard basically stating they don't really want to create criteria to establish Pocket Parks, they don't care if they are established anywhere in Town. The Planning Commission would like to establish regulations to deal with Pocket Parks and handle them as they would other development type endeavors. There would also be a possibility the Design Review Board would take a look at the projects. He suggested the Board take this seriously and recommends the Town does not try to establish hardened fast policies for Pocket Parks. He doesn't feel there will be a lot of Pocket Parks requested and every one of them could be so unique that we should proceed on one by one base especially if the Pocket Park is on Town land.

George McNaughton said he was looking for factors, not hardened facts, and criteria that the Town could use when they were considering a proposal for a Pocket Park that would be owned by the Town. If the Planning Commission feels the Town doesn't need any factors or criteria for siting Pocket Parks, Mr. McNaughton felt he could live with that. However, he feels the Town Plan, which is being re-written at the request of the Selectboard, in the Recreation Section of the Town Plan the Selectboard should request the Planning Commission to at least look at it. He went on to say the Planning Commission really got into financing and all of that, which was not their intent. The intent was supposed to be siting. Mr. McNaughton would like certain factors the Town should be taking into consideration when we receive a request for a Pocket Park. Example would be; how close is it to other similar facilities? Is the street really busy where pedestrians are likely to get hit?, Is it an easy site for people to walk to. Mr. McNaughton would like to see some type of plan when considering Pocket Parks.

**MOTION: George McNaughton moved to recommend to the Planning Commission to consider re-writing or re-drafting the Recreation Chapter of the Town Plan. They should not look for hardened facts, but to considering the siting of Parks and Pocket Parks.
Seconded by Vice-Chairman, Stephanie Thompson**

Vice-Chairman Thompson stated she felt having some framework was good, because having a policy would be hard with so many variables from case to case, location to location, etc. She would like guidelines from the Planning Commission.

Chairman Morris stated he wanted to be sure the Planning Commission knew what the Selectboard wanted. He would like clear guidelines provided to the Planning Commission.

George McNaughton is looking for siting, security, those types of issues. He also stated this is for a municipal park; nothing on finances. Vice-Chairman Thompson said proximity to existing parks, and the impact on the community. She also said broad guidelines. Chairman Morris doesn't want the topic bouncing back in forth between the Selectboard and the Planning Commission. Peter MacGillivray suggested making a request to the Parks & Recreation for certain regulations. There are neighborhoods that have playgrounds because of schools. He doesn't want the Taxpayer spending money if it is not necessary.

Chairman Morris stated he is reluctant to kick back a request at this time. He would like the Selectboard to prepare a document to provide assistances. Peter MacGillivray feels the Selectboard is trying to micro-manage the Planning Commission.

Vote: 3 Yes, 2 No (Chairman, Kristi Morris and Peter MacGillivray)

ITEM 9: Discuss proposed policy for properties obtained at Tax Sale or Lien Foreclosures: Mr. McNaughton requested this topic. George McNaughton stated in the past the Town has taken liens, but never foreclosed on them. His idea is to improve the Grand List; he doesn't want vacant properties sitting on the Grand List. Mr. McNaughton is suggesting the Selectboard look at a protocol. He also submitted a written DRAFT to the other members of the Selectboard. Mr. McNaughton recognizes the properties acquired by the Town are not the most desired properties in Town and may not be in the best locations.

Peter MacGillivray thought what Mr. McNaughton suggested had merit. Vice-Chairman Thompson was in agreement up until No. #3; she stated the Town was not a Real Estate Agent, but suggested the Town work with other agencies. Walter Martone supported Mr. McNaughton's idea and thought it would be a good idea to have a direction.

**MOTION: Walter Martone moved for the Town Manager to provide a recommended protocol for Tax Sale or Lien Foreclosures properties acquired by the Town of Springfield.
Seconded by George McNaughton**

Chairman Morris stated it would be nice to have a policy for how the Town handles properties acquired from Tax Sales and Foreclosures. Typically, it is offered for sale. He also has an issue with No. #3 on the submitted DRAFT. Chairman Morris also had an issue with one of the sentences, "*In no event should a property just be allowed to sit idle or vacant while in Town ownership.*" Mr. McNaughton is also advocating to keep it on the Selectboard agenda, he cannot agree with that.

Town Manager Yennerell commented he has given some thought to this suggestion and it is appropriate it is being presented now because the Town just acquired some property via tax sale. These are properties where the owners did not redeem them; therefore they are deeded to the Town. He also noted the Selectboard should keep in mind that in most cases when the Town acquires these properties they are not desirable properties. There will be a lot of properties that will be hard to divest of. We all agree they need to be turned into earning assets. Town Manager Yennerell's ideas are pretty general; and he feels the properties will need to be viewed a couple of times throughout the year to remind ourselves we have them. He suggested maybe advertising them or listing them with Real Estate Agents.

Tom Lashua, resident: Mr. Lashua stated as a Taxpayer he agrees 100% with the \$100,000.00 proposal to demolish unsafe and dilapidated houses. He feels by the Town demolishing these properties, it gets rid of an eyesore and actually raises the value of properties remaining. These eyesores ruin the whole neighborhood and that brings the whole Town down.

Vote: 5 Yes, passed unanimously

ITEM 10: Town Charter Revision Consideration: Mr. Martone requested this topic on the agenda. Walter Martone is proposing to take action to appoint a Charter Review Committee to review the Town Charter and come back with recommendations to be presented at the next Town Meeting for amendments to the Town Charter. Mr. Martone has reviewed the Town Charter and feels there are some antiquated items that could be cleaned up. Since the last Selectboard Meeting, he has come up with another reason he feels the Town Charter should be amended. An action taken at the last meeting to request legislation to hold property owners responsible for the maintenance and up keep of their properties. A couple of people have suggested to Mr. Martone, maybe another route or in parallel with getting legislation would be to do a Town Charter amendment.

MOTION: Walter Martone recommends the Board of Selectmen appoint a Committee to review the Town Charter and present the recommendations at the next Town Meeting.

Chairman Morris shared the procedure for Town Charter Reviews. He read from the current Town Charter the following: The Board of Selectmen shall appoint a Charter Review Committee of not less than ten, (10), members, which shall include representatives of the Board of Selectmen, the Administration, and the Community at Large. Within one, (1), year after appointment the Charter Review Committee shall report any amendments, revisions or changes. The Board of Selectmen shall determine if the proposed amendments are comprehensive revisions and shall determine the format of the article. Any changes in the Charter must be effective by a Town Meeting vote with at least 25% of the Voters participating. Mr. McNaughton pointed out this procedure could take up to two, (2), years.

Seconded by George McNaughton

Chairman Morris stated in Section A the procedures of process for Charter Amendment is either by a unanimous vote of the Selectboard or by a citizen initiative, (petition), and equaling 5% of the Voters. Vice-Chairman Thompson asked if there was a process in place for acquiring those members. Would it be an application process like the other committees? Chairman Morris noted he did not see a process for member selection.

Chairman Morris noted the Town Charter has not be revised for several decades and he is not opposed to reviewing for subtle changes, but he would not want to be part of a Board that does a wide-spread, massive change or have a ten, (10), member committee that is out of the Selectboard's control. George McNaughton stated he was not sure if he agreed with Chairman Morris about the number of amendments. Chairman Morris cautioned the Board they could end up with a document perhaps none of them could support.

Vice-Chairman Thompson commented she would like some criteria figured out first of how the Committee will be made up and the appointment process before the Selectboard votes to amend the Town Charter. Chairman Morris concurred with her. He would like a road map in front of him. George McNaughton commented the reason he just doesn't support cosmetic changes to the Charter is that it is kind of related to what triggered the unsightly buildings.

At this time Mr. McNaughton brought up the funding the City of Rutland had received a while ago. The City of Rutland through provisions to their Town Charter, were able to acquire thousands of dollars to solve some of their serious problems. The Town of Springfield has some of the similar problems. To be able to use our Town Charter for this purpose, it could take some significant changes to the Charter. However, he agrees the Selectboard needs control over who is on Committee.

Town Manager Yennerell offered two suggestions if the Selectboard decided to move forward:

1. To include some general guidelines for the Committee and make it clear the Selectboard is not interested in a huge overhaul of everything.
2. He stated he is not so confident the Town can handle the amendment of the Town Charter in house. He believes there are people who could assist the Town. There might be a couple of law firms that specialize in this type of work and maybe we should suggest their involvement. The Town may also want to hire the Municipal Assistance Center, MAC, from VLCT to help us with other changes that have recently occurred to other Charters. MAC would be able to share what other changes have been made to other Town Charters. There is probably some interesting work that has happened and we should know about it. This kind of goes in line with what Mr. McNaughton was talking about; an agency that is in Rutland's Charter.

The Town of Springfield should know about that and maybe have it in ours. He believes totally making Charter amendments in house is not going to produce the product we are really looking for. It is a very complex procedure and he feels the Town needs some help.

George McNaughton commented he is not in favor of hiring an additional law firm. The Town has Steve Ankuda, and we have other resources. He thinks the Board should have the assistance of VLCT, but he does not care for their drafting style.

Chairman Morris suggested we defeat the motion the way it is presented and move forward looking into a review of procedures and guidelines for Charter changes.

Tom Lashua wanted to back up the meeting. He questioned if the Board had basically said they have the right to do any Ordinance they want to. Chairman Morris explained there is a process for Ordinances, once the Ordinance Sub-Committee creates an Ordinance creates one or amends an existing one, it is presented to the Selectboard, it is debated and Public Input is requested, at that time a couple of Public Hearings would be set. Mr. Lashua commented in trying to improve the Town and the property that is so undesirable looking; couldn't the Selectboard put out an Ordinance that something has to be finished within a certain period of time. Walter Martone gave him the short answer, "No", the Town does not have the authority to do that. He knows because he has looked in to it extensively. Vermont is a Dillon State, which says a Town does not have the authority to do anything unless it is expressly provided for by the State Legislature. There is a list of all the things a Town can write Ordinance on, not included in that list is requiring property owners maintain and finish projects of their homes. The other alternative is proposing legislation and have that authorized by the Legislature.

George McNaughton commented that Charters in Vermont will trump, for the most part, the State Law that is why the State Legislature, once the Town jumps through everything for a Charter Amendment, then it has to go to the Legislature to be approved. If it is approved, then the Charter changes the ballgame.

Tom Lashua stated if the Charter amendment was the only way to get this Town back in shape, he is all for changing the Charter. Walter Martone said the other option, which the Board is also pursuing, is to go to the State and try to get the Legislature to grant it for everyone.

Dave Hinkley commented he liked the idea of amending the Town Charter and encouraged the Selectboard to amend the Town Charter swiftly.

Vote: 3 Yes, 2 No (Chairman, Kristi Morris & Vice-Chairman, Stephanie Thompson)
Motion did not pass, because a Charter Review takes unanimous vote from the Selectboard

MOTION: George McNaughton moved to appoint Walter Martone and Peter MacGillivray as a Committee to make guidelines, procedures, and recommendations as to how a Charter Review Committee will be selected. Their information will be presented to the Selectboard on Monday, September 28, 2015.
Seconded by Stephanie Thompson
Vote: 5 Yes, passed unanimously

ITEM 11: Town owned land adjacent to the Correction Facility: George McNaughton requested this topic for the agenda. At this point the property adjacent to the prison is not Town property. However it could be Town property, which is approximately 30 acres. There are primarily two reasons why the Town has not taken possession.

1. There is a small area of contamination.
2. There is an agreement with the State that when the Town of Springfield takes title to the property the Town will have to maintain the access road.

George McNaughton commented that former Town Manager, Robert Forguites, was trying to negotiate, and intended to negotiate even as a Legislator for the State. Unfortunately, everyone gets busy, and things stay in limbo. Mr. McNaughton is requesting the Town Manager meet with the Department of Corrections, (DOC), whoever it is at the State level, and SRDC. The Town Manager could come back to the Selectboard with some possibilities as to how the Town can move forward. not in favor of taking the title of the property until the details can be worked out. He would like to see the Town start moving forward because there is space for an Industrial Park and that should be marketed. Mr. McNaughton has requested the Town Manager Yennerell look into this matter.

Town Manager Yennerell provided the information now. He has already met with the Commissioner and Deputy Commissioner of Buildings and General Services, which is who really owns the land. The State is looking for some sort of cost share on the maintenance of the road. If there should be some type of development on that land; the cost share would be proportionate to whatever the usage would generate. This would be based on the amount of vehicles up and down the access road. He feels the solution is pretty reasonable and negotiable. Springfield Regional Development Corporation, (SRDC), is really looking for information to make the site easier to market. At this point, SRDC knows it is raw land. There are a few environmental issues. Town Manager Yennerell suggested putting something in next year's budget for the cost of surveying; gather information about the soil types, and the cost of extending utilities to the site. A potential developer would then have the estimated costs to move forward. Town Manager Yennerell commented he did not know a lot about the environmental issues; however he understands the site is quite small, it's been capped, fenced in and there is the possibility of doing a parking lot over the area. He will continue to gather information to share with the Selectboard in order to provide more informed facts to potential developers and/or users. Town Manager Yennerell stated if the Selectboard wanted to move forward, he felt it is a little risky because the Town does not own the land.

George McNaughton asked the Town Manager to find out exactly what type of information SRDC would need to come up with a general format for the shared access road maintenance. He was interested in what information would be needed and the cost to get this information. Mr. McNaughton suggested that information would be helpful to the Town when the budget season rolled around. The Town Manager agreed.

H. **MANAGER'S REPORT:**

Chairman Morris pointed out the Town Manager's Report was included in the Selectmen's packets and available for viewing on the Town's Website or a copy could be picked up at the Town Manager's Office.

I. **OTHER MINUTES & CORRESPONDENCE:**

1. Springfield Airport Commission, Agenda, July 23, 2015
2. Springfield Airport Commission, Minutes, July 23, 2015
3. Springfield Cemetery Commissioner's Meeting, Minutes July 15, 2015
4. Springfield Energy Committee, Agenda, August 20, 2015
5. Springfield Housing Authority, Minutes, July 14, 2015
6. Springfield Park Street School Joint Committee, Agenda, August 14, 2015
7. Springfield Police Department, Law Incident Summary Report, July 2015
8. Springfield Police Department, Traffic Citation & Fine Report, July 2015
9. Springfield Regional Development Corporation, Minutes, June 30, 2015
10. Springfield Regional Development Corporation, Agenda, July 28, 2015
11. Springfield Restorative Justice Center, Monthly Restorative Panel Report, June 2015
12. Springfield Restorative Justice Center Report, June & July 2015
13. Springfield Senior Center, Newsletter August 2015

Chairman Morris read through the list of **OTHER MINUTES AND CORRESPONDENCE.** He also noted any of the information was available for viewing on the Town's Website or a copy could be picked up at the Town Manager's Office.

George McNaughton spoke briefly about the outcome of the Ordinance Sub-Committee meeting held, August 18, 2015. Walter Martone shared he had presented to the Vermont League of Cities and Towns the request for an Ordinance to hold property owners responsible for maintaining their property. The information will be heard by VLCT's Division of Quality and Life tomorrow. Mr. Martone will also be attending the meeting.

J. **FUTURE AGENDA ITEM PROPOSALS:** None requested.

K. **CITIZEN'S COMMENTS:** Tom Lashua voiced his concerns over the new ordinances about yard sale signs on anything but your own property. He wanted to know what the purpose was of this ordinance. Town Manager Yennerell explained there was no change to the Town's Ordinance regarding signs. When the Zoning Administrator presented the idea for a zoning amendment in order for the Code Enforcement Officer to be able to issue tickets, "signs" were used as an example. The change is really about issuing tickets.

L. EXECUTIVE SESSION
ITEM 12: Executive Session – Real Estate Purchase Negotiation.

MOTION: Vice-Chairman, Stephanie Thompson, moved to go into Executive Session the purpose of discussing Real Estate Purchase Negotiation.
Seconded by Peter MacGillivray
Vote: 5 Yes, passed unanimously

M. ADJOURNMENT:

Regular Board of Selectmen meeting ended at 10:18 PM.

Submitted by:



Donna M. Hall
Recording Secretary

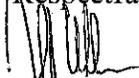
Executive Session
August 17, 2015

The Board returned to open session at 10:45pm.

Stephanie Thompson moved to adjourn. Peter MacGillivray seconded the motion that then passed unanimously. The meeting adjourned at 10:45pm.

No further business was conducted.

Respectfully submitted,



Jeff Mobus
Acting Secretary