TOWN OF SPRINGFIELD
SELECTMEN'S HALL – 96 MAIN STREET – THIRD FLOOR
PUBLIC HEARING – ZONING AMENDMENTS @ 6:00 PM
MONDAY, NOVEMBER 10, 2014

REGULAR BOARD OF SELECTMEN MEETING
IMMEDIATELY FOLLOWING

* * * MINUTES * * *

A. CALL TO ORDER AND ROLL CALL:

Chairman, Kristi Morris, called the meeting to order at 6:35 PM and the Pledge of Allegiance was recited.

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

Also Present: Town Manager, Robert Forguites, Comptroller, Jeffrey Mobus, Town Clerk, Barbara Courchesne, Administrative Officer, William "Bill" Kearns, Public Works Director, Jeff Strong, Chief of Police, Douglas Johnston, and Town Attorney, Stephen Ankuda

B. MINUTES:

1. Regular Board of Selectmen, Meeting Minutes, October 27, 2014

MOTION: David Yesman moved to approve Regular Board of Selectmen Meeting Minutes dated October 27, 2014.
Seconded by Peter MacGillivray.
Vote: 4 Yes, 1 Abstain (Vice-Chairman, Stephanie Thompson, was absent last week)

At the request of Peter MacGillivray the Selectboard took a short break to allow SAPA TV to setup for recording. Chairman Morris received approval from Board Members.

C. ANY REQUESTED ADDITIONS TO THE AGENDA:

Mr. Forguites indicated he did not have anything to add to the agenda. George McNaughton wanted to acknowledge the receipt of a letter from the State Attorney, Michael Kainen, sent to each Selectboard Member.

MOTION: George McNaughton moved to add an item under K. LEGISLATIVE REPORTS, a letter received from State Attorney, Michael Kainen.
Seconded by Vice-Chairman, Stephanie Thompson.
Vote: 5 Yes, passed unanimously

CITIZENS TO ADDRESS THE BOARD: John Maciejowski

Mr. & Mrs. Maciejowski submitted a letter from some of the residents on Brockway Mills Road concerning what they consider excessive shooting in the Town's Gravel Pit off Brockway Mills Road. Not only does the Springfield Police Department use the shooting range, the State Police and Correction Facility Officers do too. This fall there was approximately five, (5), days of consecutive shooting. The public seems to be using the range too. Mr. & Mrs. Maciejowski were present to explain their concerns and answer any questions the Selectboard and Police Chief, Doug Johnston, might have.

The Maciejowskis are concerned about the security of the Gravel Pit, the lack of rules posted, and the possibility of soil contamination. The fence is only a wire across the opening.

Chief Johnston indicated the Police Department uses the range to qualify with rifles and pistols. The range is also used for night shooting by the Police Department in the Fall. Occasionally an Officer will practice by himself. The Gravel Pit Range lends itself to shooting because of the bowl shape and high banks.

George McNaughton inquired if the Armory Range on Fairground Road was a possible place to relocate the shooting range. Chief Johnston questioned the caliper of the bullets used now days, but he would make some phone calls if necessary.

Mr. Maciejowski submitted photos for the Board Members to view. He and Chief Johnston have worked out a plan to let the residents of Brockway Mills Road know when the Springfield Police Department will be using the range.

Town Manager, Robert Forguites, doesn't feel the Town is obligated to provide a shooting range for the State Police or the Correctional Facility Officers.

Mrs. Maciejowski inquired if there was a Lead Recovery Program in place for this shooting range. Currently, there is not a Lead Recovery Program for this location.

Vice-Chairman Thompson acknowledged the possibility the Board, Town Manager and the Police Department should look for a new location for a Police Shooting range. She is also in favor of limiting the shooting range to only the Springfield Police Department. She also stated the obvious, that a location would not be decided tonight.

MOTION: **David Yesman moved to restrict the Brockway Mills Practice Shooting Range to the Springfield Police Department Personnel Only. A gate will be installed with posted restrictions.**
Seconded by George McNaughton.

Administrative Officer, (A.O.), Kearns asked about joint training with other agencies. Chief Johnston didn't seem to be concerned and stated that did not happen often.

Mr. Maciejowski offered to work with Chief Johnston on the usage of hours for the Gravel Pit Shooting Range and a Lead Recovering Program.

Mr. Richard Andrews, resident, inquired if the Selectboard needed to have a warranted meeting so the residents on Brockway Mills Road would know of the proposed changes. Chairman Morris shared the Landowners had been notified of the meeting tonight. Chairman Morris also stated he would like a little more time to perform due diligence.

VOTE: 4 Yes, 1 No (Chairman, Kristi Morris)

MOTION: **George McNaughton moved the Town Manager and Police Chief be directed to develop a Plan of Operation and if necessary a Lead Recovery Program for the Gravel Pit Shooting Range on Brockway Mills Road.**
Seconded by Vice-Chairman, Stephanie Thompson

Betsy Levine, resident, inquired if the State needs to regulate the proposed Operation Plan and Lead Recovery Program. A.O. Kearns said there was nothing saying the State did.

VOTE: 4 Yes, 1 No (Chairman, Kristi Morris)

E. **PRIORITY BUSINESS:** None

F. **PETITIONS AND COMMUNICATIONS:** None

G. **BOARDS, COMMISSIONS, AND DEPARTMENTAL MINUTES AND REPORTS:**

1. Springfield Airport Commission, Agenda, October 30, 2014
2. Springfield Police Department, Monthly Report, October 2014
3. Springfield Senior Center, Newsletter, November 2014

Chairman Morris noted copies of the above agendas, monthly reports, and newsletters may be picked up at the Town Manager's Office.

H. **ORDINANCES AND RESOLUTIONS:**

1. Zoning Amendments – Town Manager Forguites confirmed with A.O. Kearns the Board of Selectmen can consider the adjustments as minor changes and could approval the Amendments of Zoning Regulations. A.O. Kearns confirmed per 4412(B) that was so.

MOTION: **David Yesman moved to adopt Amendments to the Town Zoning Regulations and amendments discussed discussed at the Public Hearing earlier this evening.**
Seconded by Vice-Chairman, Stephanie Thompson

Char Osterlund, resident, was concerned with the wording of Article 4, Section (D) No. 10, Page 67 regarding campaign signs. The wording does not mention campaign signs should not be posted any sooner than two, (2), weeks prior to the election.

A.O. Kearns confirmed this was not a State Regulation, however, No. 6 it reads "signs to be maintained for not more than two, (2), weeks for announcing an auction, campaign, drive or event of a civic, philanthropic or religious organization. Each sign shall not exceed two, (2), square feet. A.O. Kearns stated some people read "campaign" and say that it is "political campaign", but in his humble opinion it doesn't say Political campaign and if the legislature who worked on this again, after there were complaints about it, wants to put in "political campaign" they will. A.O. Kearns will be enforcing the right-of-ways; don't post the political signs in the right-of-ways. He clearing stated No. 6 does not apply to political signs. A.O. Kearns doesn't care how long political signs are posted on private property. The Town does not have any regulations limiting political signs on private property.

Ms. Osterlund was also concerned with the lack of law enforcement on the weekends to police the political signs. A.O. Kearns enforces the law during the work week. Board Member MacGillivray feels the Police Department has other priorities rather than policing signs. A.O. Kearns pointed out this is not an Ordinance of the Town, but a Zoning Regulations enforced by the Administrative Officer.

Vote: 5 Yes, passed unanimously

I. **OLD BUSINESS:**

1. Dilapidated/Unsafe Buildings – Town Manager Forguites commented himself and probably a few of the Board Members have received comments regarding property at 188 Wall Street. A few years ago, there was a fire at this residence. There has been very little done to the property other than putting plastic tarps on the roof. Town Attorney, Stephen Ankuda and Fire Chief/Health Officer, Russell Thompson has discussed this property. They recommended to the Town Manager, the Board of Selectmen should start the process of declaring this building and property as an Unsafe Building as described in Chapter 5, Buildings and Building Regulations.

Town Attorney Ankuda stated under the Unsafe Building Ordinance the Board of Selectmen should appoint a Committee that includes an Engineer, Fire Chief and Deputy Fire Chief.

David Yesman disagreed with Town Attorney Ankuda; he interpreted, Article 5 Section 5-26 to mean the Board of Selectmen could act on the demolition of 188 Wall Street now. Town Attorney Ankuda referred to the process listed under Sections 5-30 and 5-31. He stated the Board of Selectmen should use the same process they used before.

MOTION: **George McNaughton moved to appoint Structural Engineer, David Todd Hardinger, Fire Chief/Health Officer, Russell Thompson, and Deputy Fire Chief/Health Officer, Scott Richardson as a Committee with substitution by the Town Manager with power of any listed on the Committee that will not or cannot serve as such to investigate and make all determinations necessary for 188 Wall Street for assessment of the building to determine if it is an Unsafe Building per Town Ordinance.**
Seconded by Vice-Chairman, Stephanie Thompson
Vote: 5 Yes, passed unanimously

George McNaughton inquired if there was a list complied of the procedures to identify the number of dates between the steps necessary per the Town Ordinance. Town Manger Forguites stated the list was not developed yet. Town Manager Forguites requested Mr. McNaughton contact him tomorrow and they could work on the list.

Town Manager and Board Members discussed how many more properties needed to be demolished and the cost of the project. It was determined there were probably five, (5), properties with the estimated cost of $100,000.00. Mr. McNaughton brought up this topic in order to point out there is a cost involved with cleaning up these buildings. The Selectboard and Public should keep this in mind during the Budget Season.

2. Short-Term Borrowing Extension – Town Manager Forguites presented his request for a Short Term Borrowing Extension. The Town is in the process of transferring borrowing from previous Water, Sewer, & CSO Projects that have been completed to a Bond. This past August the Town extended the short-term borrowing, but need to do one more extension for two, (2), months because of time constraints. The Town has a balance of $1,540,000.00.

MOTION: **Vice-Chairman, Stephanie Thompson, moved to approve the Short Term Borrowing for an extension Period of two, (2), months with the anticipation of Bonding for $1,540,000.00 from Mascoma Savings Bank with the maturity date of January 5, 2015 @ the interest rate of 1.29%.**
Seconded by George McNaughton
Vote: 5 Yes, passed unanimously

J. **NEW BUSINESS:**

1. Water & Sewer Improvement Bid – Town Manager Forguites introduced Brad Aldrich, the Town's Engineer from Aldrich & Elliott who is present tonight. The Town has put out to bid a Water and Sewer Improvement Project for work on Valley, Pine, and Myrtle Streets. A total of four, (4), proposals were received.

Zaluzny Excavating	$ 818,235.00
Nott's Excavating	$ 993,048.00
The Belden Company	$ 993,135.00
J. P. Sicard	$ 997,850.00

The low bid was Zaluzny Excavating from the Vernon area, for $818,235.00. The Engineer's gave a ballpark price of $875,000.00 for this project. Mr. Aldrich, of Aldrich & Elliott, has worked with Zaluzny before and recommends the Board award the contract to Zaluzny Excavating.

MOTION: **Peter MacGillivray moved to award the Water and Sewer Improvement Project for work on Valley, Pine, and Myrtle Streets for the price of $818,235.00 to Zaluzny Excavating and authorizes the Town Manager to sign the contract.**
Seconded by Vice Chairman, Stephanie Thompson

The work will be done on Valley Street before the Paving Street Project starts in the Spring. In addition, the Public Works Department will communicate with the Merchants concerning the time schedule.

Vote: 5 Yes, passed unanimously.

2. Parkview Road Terminus – Town Manager Forguites explained there has been a fair amount of discussion regarding the Parkview Road Terminus. When the Parkview Road was originally built there was a cul de sac at the end of the Road because it is a dead end road. A few years ago a driveway was put in off the cul de sac. This has caused a problem for some of the Landowners of Parkview Road whose private driveways are being used for turning around. Several residents from Parkview Road are present tonight.

Public Works Director, Jeff Strong, said the Town plows out to the end of Parkview Road. There is no room to turn around; which means the Town also uses the private driveways. P.W. Director Strong and Town Manager Forguites have visited the site in question.

Mr. Annis provided some background information on the cul de sac of Parkview Road. He was informed the Town was not going to maintain the cul de sac anymore; they would be using a T-Turn Around. A T-Turn-Around was installed in approximately 2003. Mr. Annis and P.W. Director Henderson met at the end of Parkview Road, Mr. Annis was shown what a T-Turn-Around looked like and was told he needed to turn the cul de sac into a T-Turn-Around. P.W. Director Henderson issued Mr. Annis a driveway permit and stated he would inform the Town Office. He gave Mr. Annis permission to extend his driveway and stated the Town would not be maintaining the area. Mr. Annis also dressed up the area with plants and shrubbery.

He also shared with the permission of Floreen Bishop, Parkview Road Landowner; he installed a gate on the Town's property to discourage intruders from entering the Bishop's field because of recent vandalism. Mr. Annis suggested ideas for rectifying the cul de sac area.

George McNaughton made the following observations: A gate cannot be installed on a Town Highway; it appears the plan approved was for a cul de sac and he cannot understand why the plan was deviated from.

P.W. Director Strong stated decades ago a plan was put into place to install a T-Turn-Around. When a cul de sac is plowed the driver can chase a lot of snow around. In numerous places, like Whitney and Boedtker Roads, T-Turn-Arounds were installed. Currently, the Town plows just short of the gate and bushes & stones. The plow backs up and turns around in the Cody's driveway because of the ditch and bank.

MOTION: **David Yesman moved to reinstate the cul de sac, remove the gate and sign and the Town will plow a T-Turn-Around in the Winter.**
Seconded by George McNaughton.

Peter MacGillivray mentioned the suggestion from Town Attorney Ankuda that stakes be put in place. The Board of Selectmen view the area and a decision could be made after the viewing. P.W. Director Strong stated the area was painted and staked out over a month ago. P.W. Director Strong stated by reinstating the T-Turn-Around the snow would be pushed across Mr. Annis's driveway.

Mr. Annis said he would not agree with that plan. Mr. Annis used the blackboard to sketch out a diagram of the area. He sketched out a drawing suggesting how the T-Turn-Around could be installed without disrupting the work he put into the cul de sac. He has invested approximately $5,000.00 into the cul de sac area; he stated he would be recovering his investment.

Ted Cody, Parkview Road Landowner, said he pretty much agrees with Mr. Annis's layout of the facts, but not sure of Mr. Annis's motivation. Mr. Cody presented a photo to the Board for viewing. He stated the area in question is Town property and is being interfered with. He would like to have the gate removed. However, he questioned if the area for the proposed T-Turn-Around is large enough. Mr. Cody thinks this suggestion would interfere with the pants and shrubbery. Mr. Cody stated he doesn't care if a cul de sac is reinstalled or a T-Turn-Around is used, but doesn't want people encouraged to turn around in his driveway.

Ruth Cody, Parkview Road Landowner, mentioned the Rubbish Trucks that service Parkview Road also turn around in their driveway too. She was also concerned as an abutting Landowner they were not notified when the layout of the cul de sac was changed.

Floreen Bishop, Parkview Road Landowner, shared years ago there was a mound of dirt in the middle of the cul de sac. Mr. Annis just dressed up the area.

Nichols Wiese, Parkview Road Landowner, was also displeased he was not notified of the changes to the cul de sac. He also shared he has a large truck and trailer; he used the cul de sac on a regular bases. There are Rubbish Trucks backing down Parkview Road. If you met one backing up, you have to pull off into the pasture. He feels a T-Turn-Around in the Winter will not work out. Mr. Wiese feels the area is pretty dysfunctional.

Rick Aldrich, Parkview Road Landowner, also shared people turn around in his driveway too. The Town Grader uses his driveway because the Driver can see better from that location.

A.O. Kearns reviewed the Planning Commissions approved sub-division, which shows a cul de sac at the end of the road. He questions the limiting the discussion of what needs to be removed to simply allow for a T-Turn Around. The whole cul de sac is part of the Town Road and the limits of the properties on either side of it are even further outside of the cul de sac. The clearance of the property should be the entire cul de sac. In A.O. Kearns opinion, it is up to the Town what they decide to do with the cul de sac.

Vice-Chairman Thompson stated she is very sympathetic to all the residents of Parkview Road and does not support the current motion. She would like to see the Town work with the residents.

Mr. Annis invited the P.W. Department to come up with a Plow Truck and Wing.

Mrs. Cody cautioned that plowing is not the only issue.

Vote: 3 Yes, 2 No (Chairman, Kristi Morris and Vice-Chairman, Stephanie Thompson)

3. Police Vehicle - Police Chief, Doug Johnston, presented a request for the Springfield Police Department to replace their 2006 Dodge Durango that failed because of a blown engine sometime in March/April 2014. Chief Johnston stated the trade in value with a good motor is approximately $5,591.00 and a private sale might be around $7,000.00. The Police Department currently has in this year's budget $40,000.00 however, $30,000.00 is committed to purchase a Police SUV Utility Vehicle. With that in mind, the Police Department would have around $10,000.00 to put towards a vehicle.

Chief Johnston is proposing to lease a 2014 GMC 1500 Sierra Double Cab Truck from Springfield Buick, GMC for a payment of $359.90 per month.

MOTION: **Vice-Chairman, Stephanie Thompson, moved to enter into a Lease with Springfield Buick, GMC for a 2014 GMC 1500 Sierra Double Cab Truck to replace the 2006 Dodge Durango. Seconded by Peter MacGillivray (for discussion purposes)**

David Yesman wanted to know what it would cost to purchase a used 4 Wheel Drive Vehicle. At the time, Chief Johnston did not know, but he could check into it. Mr. Yesman finished his comment by stating a used vehicle would do the job, the Town does not need a $43,000.00 new truck.

Peter MacGillivray suggested leasing a Durango type vehicle because it might be more cost effective. George McNaughton commented he was not comfortable moving forward without the Town Manger's recommendation. Town Manager Forguites suggested Chief Johnston check options for a used vehicle and questioned why a Club Cab Truck was necessary.

Vice-Chairman Thompson withdrew her motion and Mr. MacGillivray withdrew his second.

MOTION: **George McNaughton moved to table the discussion in order for the Town Manager and Police Chief Johnston to have more time to discuss the options. Chief Johnston should have the information available for the next Board of Selectmen Meeting.**
Seconded by David Yesman
Vote: 5 Yes, passed unanimously

4. State Revolving Loan Fund Documents – Town Manager Forguites explained as part of the funding for the Valley Street Water Project the Town applied for, and was approved for a loan from the State Revolving Loan Fund for $597,128.00. This will be a 30 years payback with an interest rate of 0%.

MOTION: **Vice-Chairman, Stephanie Thompson, moved to approve and authorize the Chairman of the Board to sign the Resolution and Certificate, the General Obligation Bond, the Tax Certificate, and Loan Agreement to borrow funding from the State Revolving Loan Fund for $597,128.00 at 0% interest for 30 years**
Seconded by Peter MacGillivray
Vote: 5 Yes, passed unanimously

5. State Revolving Loan Fund Application – Town Manager Forguites explained as part of the Valley, Pine, & Myrtle Streets water and sewer improvements include approximately 1,100 feet of new water line along Pine and Myrtle Streets. The cost of this project is around $220,000.00. The Town is applying for funding from the State Revolving Loan Fund and the application requires the approval of the Selectboard. The Loan will probably be for 30 years at 0% interest.

MOTION: **David Yesman moved to apply for funding for part of the Valley, Pine, & Myrtle Streets Water & Sewer Improvement Project. The anticipated loan will be for $220,000.00 for 30 years at 0% interest borrowed from the State Revolving Loan Fund. In addition, the Board of Selectman are all authorized to sign the Loan Agreement.**
Seconded by Peter MacGillivray
Vote: 5 Yes, passed unanimously

6. Finance & Maintenance Agreement – Paving Project – Town Manager Forguites shared the Town has received a Finance and Maintenance Agreement from the Vermont Agency of Transportation concerning the Class 1 Highway Paving Project that is planned for the next paving season on main Street, (including part of Chester Road and Clinton Street). The project is funded by State and Federal Funds with no Local Match.

MOTION: **Vice-Chairman, Stephanie Thompson, moved to sign the Agreement for the Class 1 Highway Paving Project that is planned for the next paving season. The project is funded by State and Federal Funds at no cost to the Town. In addition, the Town Manager is authorized to sign the agreement.**
Seconded by David Yesman
Vote: 5 Yes, passed unanimously

7. Town Report Printing Quotes - Town Manager Forguites turned the discussion over to Town Clerk, Barbara Courchesne. Town Clerk Courchesne has been working on the Town Report. She is to the point of awarding the printing of the Town Report. The request for bids was advertised in the local newspaper. The only quote received was from SPC Marcom Studio in North Springfield, Vermont.

MOTION: **Peter MacGillivray moved to authorize the Town Clerk to accept the bid from SPC Marcom Studio to print the Annual Town Report. The cost of printing is $10,298.00 for a 6"x9" Report with 50# offset paper and one color. In addition, there is a charge of $180.00 for a Website High-Resolution PDF.**
Seconded by Vice-Chairman, Stephanie Thompson

A brief discussion took place between the Town Clerk and Board Members of condensing the Town Report in order to reduce the cost of printing. The Town Report is required and is necessary for the audit. Several ideas were suggested, but changes would need to be approved by the Town's people and be on next year's ballot.

Vote: 5 Yes, passed unanimously

8. Budget Advisory Committee – Town Manager Forguites informed the Selectboard that most of the previous Budget Advisory Committee Members from last year agreed to serve again this year. Town Manager Forguites recommended the Board appoint the volunteers.

MOTION: **Peter MacGillivray moved to approve the appointment of Terri Benton, Ritva Burton, Everett Hammond, Gaenol Mobus, Hugh Putnam, Tina Rushton, James Soucy and Marilyn Thompson to the Budget Advisory Committee.**
Seconded by Vice-Chairman, Stephanie Thompson
Vote: 5 Yes, passed unanimously

K. **LEGISLATIVE REPORTS:** Chairman Morris shared all of the Board Members received a copy of a letter from State Attorney, Michael Kainen. He has drafted a legislative letter discussing the "Release on Conditions" and "Bail at Home Confinement", which will be in the upcoming year. The letter went to Representative Alice Emmons expressing his concerns for the process he has been reading and hearing about. He believes the legislation is misguided. A copy of the letter is attached.

George McNaughton requested a copy of Bill 195, which he believes pertains to this letter, be provided to the Selectboard Members at the next Board Meeting.

L. **CITIZENS COMMENTS:** Comptroller, Jeffrey Mobus, reminded everyone the Second Quarter Taxes are due on November 17, 2014. The Finance Department will be open until 6:00 PM on Monday, November 17, 2014.

M. **FUTURE AGENDA ITEMS:** David Yesman and George McNaughton requested a report on Dilapidated Buildings.

Vice-Chairman Thompson wanted to know if there was a Joint Board of Selectmen and School Board Meeting scheduled yet. Chairman Morris indicated there wasn't anything scheduled. However, the Park Street School Committee was reconfigured. Chairman Morris and David Yesman met with School Board Members Steve Karaffa and Ed Caron. The fifth Board Member is Steve Green, who was not present at the meeting on November 6, 2014.

Chairman Morris shared that he and Town Clerk Courchesne went to a workshop hosted by the Vermont League of Cities and Towns, (VLCT), in Chester, Vermont regarding the State Open Meeting Laws. One of the points made by VLCT was for the Board of Selectmen's Agenda to be more specific on the topic for Executive Session.

Town Manager Forguites stated he was pleased to observe an almost full house tonight in Selectmen's Hall. This was about his 450th Selectboard Meeting. He also stated that he appreciated everything everyone one has done for him.

Chairman Morris confirmed this was Town Manager Forguites' last Official Board of Selectmen Meeting. On behalf of the Selectboard Members and himself, he expressed gratitude for everything Town Manager Forguites had done for the Town.

Town Manager Forguites also shared he and the other two, (2), District Representatives have discussed attending a Regular Board of Selectmen Meeting in December 2014. They will be seeking input before the next Session starts in Montpelier.

EXECUTIVE SESSION: - Contracts

MOTION: **David Yesman moved to adjourn the Regular Board of Selectmen Meeting to go into Executive Session to discuss Revolving Loan Contracts.**
Seconded by Vice-Chairman, Stephanie Thompson
Vote: 5 Yes, passed unanimously

N. **ADJOURNMENT:**

Meeting adjourned at 9:48 PM.

Submitted by:

Donna M. Hall

Donna M. Hall,
Recording Secretary

Executive Session
November 10, 2014

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

Bob Forguites explained to the Board that the auditors have been recommending that the Select Board write off several long-term revolving loan fund notes that are fully allowed for and are considered uncollectible. The auditors have been recommending that the very old receivables at Walnut Hill and Eric Street be written off as well. These notes and assessment receivables, with principal due, are:

Java Stars	$17,485
PVDC	$15,000
PVDC	$23,285
PVDC	$ 7,500
Morning Dew Real Estate	$ 3,937
Kiosko	$73,318
Eric Street	$ 4,376
Walnut Hill	$10,463

George McNaugton moved that these receivables be determined to be uncollectible and to authorize that the principal and interest be written-off as recommended by our auditors. Stephanie Thompson seconded the motion that then passed unanimously.

David Yesman moved to adjourn. George McNaughton seconded the motion that then passed unanimously. The meeting adjourned at 10:15pm.

No further business was conducted.

Respectfully submitted,

Jeff Mobus
Acting Secretary

MICHAEL R. KAINEN
STATE'S ATTORNEY

DAVID J. CAHILL
CHIEF DEPUTY STATE'S ATTORNEY

HEIDI W. REMICK
RHONDA F. SHEFFIELD
GLENN J. BARNES
JOHN F. CAMPBELL
DEPUTY STATE'S ATTORNEYS

PAMELA L. WEIGEL
MEGHAN L. PLACE
VICTIMS' ADVOCATE

WANDA DANIELS
JACQUELINE N. MESSIER
ADMINISTRATIVE STAFF

COPY

STATE OF VERMONT
WINDSOR COUNTY STATE'S ATTORNEY
Gates-Briggs Building, South Main Street
Post Office Box 488, White River Junction, VT 05001
Telephone: (802) 295-8870; Facsimile: (802) 295-8878

November 6, 2014

Ms. Alice Emmons
318 Summer Street
Springfield, VT 05156

RE: Proposals to put pre-trial detainees out on home confinement

Dear Ms. Emmons,

I understand that this session there will be legislation to put even more pre-trial detainees out on home detention. Though well intentioned, I believe this legislation is misguided. Last week I was at a meeting in Springfield. The perception of the working class down there is that we are running a revolving door where drug dealers intimidate them and bring down their neighborhoods. We catch them and release them. They violate court conditions with impunity because even if they get charged with a VCR (Violation of Conditions of Release), they just get re-released again.

These are people who are the backbone of this country. They are often working more than one job. They can't afford to move out; so they are stuck living amongst the druggies, hoping the criminal justice system can do something so that they don't have to worry about what may happen to their kids walking to and from the bus stop. These are people the Democratic Party has long championed.

They are correct. We run a catch and release program. We only get bail on the major drug dealers, some rapes of children and those charged with murder. Unlike New Hampshire, our bail statute does not allow a court to consider public safety when setting bail. It is only risk of flight. The Vermont Supreme Court has held that as long as the violation of bail conditions does not amount to threatening witnesses if they testify, any other violations should result in re-release.

The vast majority of those held pre-trial are going to do time anyway. The only way such a proposal will save money is because it will give them credit for time served on home confinement. The people who are getting held these days are those who should be in jail.

In 2007 our incarcerated population was at 2,202. In spite of out of state gangs moving heroin and meth into our state, that population has leveled to 2,078. That leaves us with an incarceration rate of 323 per 100,000 while the national average is 655 per 100,000 (2012 stats). You are not going to get that rate any lower without doing serious damage to the public's confidence in the criminal justice system. For those who live in working class neighborhoods this proposal will have a deleterious effect on their quality of life.

Sincerely

Michael Kainen
State's Attorney