

Selectboard Meeting
August 22, 2011

Members present: Mitch Feldmesser; Alan Vint
Duane Pease, Admin. Asst.

Meeting called to order at **7pm** by Alan Vint; Noreen Suriner, Chair was not present.

Alan asked Mitch if he wanted to be Acting Chair, Mitch declined and Alan was the Acting Chair.

Warrants were reviewed; payroll \$12,262.02 and expense \$161,178.46. Both questioned Town Treasurer, **Jane Thielen**, regarding \$40,000 returned to Stabilization Fund, she explained it was the money not used for the Vocational Education expense, the money was taken from Stabilization and if not all used , it was to be returned.

Minutes of the Communication Committee meeting with the Selectboard were approved as well as the minutes from the 2 previous Selectboard meetings.

Ron Berenson, principal with firm of Berenson & Bloom, was present to speak with the Board regarding Tax Title and Tax Taking as well as foreclosure on parcels that were delinquent in paying taxes. His firm deals only with tax taking and handles this for a number of towns in the area. He explained when the Tax Collector puts the parcel into Tax Taking the interest rate is 14%, if the owners do not pay the taxes and the collector turns it over to the Treasurer for the foreclosure process the rate goes up to 16%. If the owner(s) want to clear up the tax issues, they are responsible for the interest and all costs associated with the taking. If this fails and the property is turned over to a law firm to do the actual foreclosure, all expenses associated with this are now also the responsibility of the owner.

When Ron's firm gets the property from the Treasurer, the first thing they do is send a registered letter to the delinquent taxpayer asking them to contact the firm and make arrangement to pay the taxes. He will attempt to convince then that paying the taxes is a better alternative to losing the property, the owner may obtain a mortgage, sell logging rights or sell a portion of the property to pay the outstanding taxes. He encourages owners to enter into a

payment plan to clear up the arrears. Sometimes it is best for the owner to just sell and start over. If there is already a mortgage on the property, he will contact the bank and urge them to pay the taxes if the Collector and Treasurer have been unsuccessful in convincing the lien holder to pay. Alan questioned if the taking is a type of lien and Ron said it is and after 3.5 years lapse or if the property has been conveyed to another person, the lien can possibly be defeated. With due diligence this should not occur.

Any time the owner questions the procedure, it is up to that person to prove the property is not delinquent and not up to the Town to prove it is.

If all of this fails, the property is turned over to the land court for the foreclosure process and when completed, the owner loses all rights to the property. This requires \$515 fee which is used to research the owners, send registered letters, etc. There are time when an fee is required to perform this search.

Ron stated the Town should focus on properties of value as all monies received at the auction go to the Town and the former owner has no rights to any of the funds. It also places the property back on the tax rolls. Properties of low value that may be land-locked and unbuildable can be secured by the Treasurer and completed on-line.

If possible, properties with dwellings should be considered first, especially if there are people living in these homes. A mix of newer takings can be blended with some of the older ones also.

Alan commented on environmental issues and if the Town had done its due diligence what could the repercussions be if the property were to be taken. The property being questioned was the former general store on Skyline Trail.

Mitch said the Department of Environmental Protection has said this is what has been done to clean the property, but there were no guarantees given that additional would not be necessary.

Alan felt the DEP would give no commitment as to the total removal of the contaminated soil. The wells in the area tested okay.

Ron said the Town could sell by Requests for Proposals(RFP) and steer toward a qualified buyer.

Jane and **Mary Ann Pease**, tax collector, stated that the \$5,000 budget they share for tax taking can get used up quickly in the foreclosure process.

Alan questioned **Joe Kearns**, Finance Chair, who was attending the meeting, how additional funds could be obtained for the foreclosure process to continue. After much discussion, it was agreed to put together and plan, estimate the costs and then possibly present it at a Special Town Meeting.

8:10pm Jackie Duda was interviewed regarding the position as the temporary Health Agent for the Board of Health. **Alan** explained to her that the Selectboard is also the Board of Health and the current agent is resigning effective at the end of August. Also, Noreen Suriner has been the point person for the BOH. She noted that she met Noreen while taking part in the Emergency Planning Regionalization meetings.

Mitch stated the current Selectboard is relatively new, with the longest serving member being 1.5 years.

Jackie stated she would be able to take everything off their hands and would witness perc tests, inspect restaurants, etc. She got into soil science from her background in natural resources. She currently works for the Foothills Health District that consists of 3 towns (Goshen, Williamsburg and Whately) and pretty much does it all for them. She also looks to take any training that is offered. There is no overall certification for a Health Agent.

She said it has to be a “good fit” for it to work for both parties. She feels she is tough but fair, not a bureaucrat but responsible and reasonable. Every situation is different, exceptions have to be made but within the spirit of the regulation. She can be seen as harsh sometimes.

Alan said there has been some frustration in the past with communication and there needs to be someone that is available to see to these duties on a consistent basis. Appeared record keeping was sloppy.

Mitch relayed when septic plans were reviewed on scene the system was not where the plan showed it. Former agent did the best he could.

Jackie wanted to know if she would be considered a Town employee or sub-contractor as she does not have liability insurance. She is covered by Foothills in her other job. If she was considered part-time she would be covered under the Town’s liability policy.

Joe Kearns explained that the current agent has a small expense account and is paid under a revolving account in which he receives 905 of the fee generated. The Dept of Revenue recommends the Town pay as a salary account and not a revolving account.

Alan stated the current situation is uncomfortable and they know the BOH has to do something else. He asked Jackie if she would be interested in the position.

Mitch asked **Joe** if there was a problem as no money has been allocated for this account.

Joe said there is no money now but a BOH agent account could be set up and \$1,000 could be used from the reserve account.

Mitch questioned the use of the current revolving account and was told it would be used as currently set up.

Jackie said it appeared there was not enough work for a salaried agent and that hourly would make more sense. Most of her work is done between May and Thanksgiving and involves septic systems and perc tests. She said she charges the homeowner \$150 for a new system, \$100 for repairs to existing system and \$50 for a Title V inspection. The checks would be made payable to the Town. She would charge the Town \$25 per hour plus mileage from the Town Hall. All records would be kept locally and locked in the Town Hall. She is available on Fridays and is also willing to work on Saturdays.

She submitted her resume, **Mitch** told her he certainly appreciated her coming. Jackie then left

Alan said it is so nice to have a strong, technically knowledgeable person to handle the Health Agent issues.

Alan questioned if there were any compelling issues that needed to be discussed.

Mitch: Kopelman & Paige still has not responded to request to meet with Board.

Alan said they are just going to charge \$5,000 for the work they did during the year and will not bill for the additional fees and the face-to-face meeting request has been ignored. We just want the charges listed per item. They have a representative in Lenox and that person has had problems with other towns.

Discussion regarding the appointment of Jackie Duda as temporary Health Agent:

Mitch felt she was very qualified and reasonable.

Alan: I can't speak for Noreen but she arranged for the meeting.

Mitch didn't see any problem except for paying her.

Joe Kearns said to pay out of Selectman's expense and review fee schedule with her.

Alan: Motion to hire, temporarily, as a Town Employee, Jackie Duda as the Health Agent for the Town, as needed, at \$25 per hour plus mileage calculated at the Federal rate from the Middlefield Town Hall.

Mitch seconded the motion.

Vote was 2-0 in favor.

Mitch: motion to adjourn

Alan seconded

Vote 2-0

Meeting adjourned at 9:40pm.

Minutes respectively submitted,

Duane Pease
Administrative Assistant

Approved by:

Noreen Suriner, Chair

Alan Vint

Mitch Feldmesser