

## WEST WINDSOR SELECTBOARD

Draft Minutes

June 14, 2010

Present: Tom Kenyon, Glenn Seward, Bruce Boedtger, Cathy Archibald, Martha Harrison, Mike Spackman, Hal Pyke, Dennis Lemire, Bob French, Stuart Bevin, Jim Lyall, Kenny Burke, John Cocke, Cathy Boedtger, Scott Hammond, Ralph Johnson, Erik Schutz, Laura Stillson, Mark Nowlan, Kerry Banks, Jon Bouton, Chris Nesbitt

- 1) Call to Order – Selectboard Chair Glenn Seward called the meeting to order at 6:30 PM.
- 2) Changes or Additions – Town Hall sound system, energy audit, snowmobile access
- 3) Town Clerk’s Report/Orders – Town Clerk Cathy Archibald had orders for the Selectboard to sign.
- 4) Highway Access (agricultural): Fallon – Highway Foreman Mike Spackman said he would like the applicant to move the access location down the hill and remove some trees. Mike said he talked to both Rick Fallon and the contractor about the changes. Mike said the highway department is going to do some work in the same location at the same time. **Tom made a motion to grant initial approval for an agricultural highway access to Rick Fallon on Blood Hill Road (parcel #8-15) noting that the location needs to be verified and granting approval to remove the clump of trees that needs to come out. Bruce seconded the motion, which passed unanimously.**
- 5) Public Comment – None
- 6) Application for Highway Access: Hammond – Scott said that, at this time, he would just like a temporary access for trimming trees for a possible lot. Scott said he would eventually like to put a driveway in at the location indicated on the application but the lot is still one lot until he subdivides it. Glenn asked Scott if he has determined whether the area has a Class 2 or Class 3 wetland. Scott said no. Glenn asked if the access is marked. Scott said yes. Mike and the Selectboard members said they have not inspected the proposed access location yet. Glenn suggested tabling consideration of the application pending an inspection and making a decision at the next Selectboard meeting. Scott said he is not in a rush. Tom asked if Scott is requesting a temporary agricultural access or a residential driveway. Scott said for the Selectboard to approve it, it would have to be a temporary access. Scott said he is planning to subdivide the lot but it is not subdivided now so he cannot have two accesses on the same lot unless it is a temporary access. Scott said after he gets the lot subdivided, then the DRB would have to approve it for a driveway. Glenn said Scott would have to come back to the Selectboard first for a driveway access. The Selectboard agreed to inspect it with that in mind.
- 7) Application for Highway Access: West Windsor Moonlighters Snowmobile Club – Dennis Lemire was present on behalf of the snowmobile club. Dennis said there is a partial closure on Corridor 5 in Sheddsville in the area of Charlie Saunders’ property. Dennis said he has checked with abutters east and west of the trail and cannot get anything around it. However, Dennis said, snowmobiles can get to Sheddsville Road, between Patterson’s driveway and Saunders’ driveway, via a new section of trail. Dennis said the application is for an access in that location and for the use of Sheddsville Road for approximately 100 yards, up to Charlie Saunders. Dennis said the sight distance to the east is about 240’ and to the west it is more than 400’. Bruce asked whose property the access would be on. Dennis said it would be on William Casey’s property. Dennis said the existing portion is on William Casey’s but they won’t allow the snowmobile club to use the existing portion any longer. Glenn said he would like to look at it. Mike said he has looked at the proposed access and it’s the best alternative. Mike said there isn’t anything else they can do and it’s a main corridor for the VAST trail. Tom asked if the road is pretty wide there. Mike said yes. Mike said you can get on the other side of the road before you need to in either direction. Bruce asked if the sight distance will be okay, even with snow banks. Mike said he doesn’t think there are any better alternatives. Mike suggested putting up regulatory snowmobile signs. Bruce asked if there is any alternative. Dennis said he hates using the road but he has spent a lot of time talking to landowners in the area and just can’t get anything so the alternative would be to close the trail. Dennis said he could try going farther around but that would put the trail

either down in Sheddsville or beyond Bushkins, which would be half a mile to a mile away and involve more landowners. Dennis said the snowmobile club wouldn't construct the new trail section until September. Bruce and Glenn said they would like to look at it. Dennis said it's marked. Tom suggested granting initial approval subject to inspection. After discussion, the Selectboard decided to consider the application at their next meeting, after they've had a chance to inspect the site. Bruce noted that Dennis signed the application on behalf of William Casey. Glenn said before the Selectboard approves the application, Mr. Casey should sign it. Bruce agreed. The Selectboard agreed to schedule an inspection.

- 8) Town Forest Committee – Glenn asked if there are agreements in place between STAB and the Town Forest Committee. All agreed that there are no agreements in place. Glenn asked if there has been contact between STAB and the Committee. Kenny Burke said the Selectboard asked the Town Forest Committee to update the Town (Forest Management) Plan and Stuart Bevin from Stillwater Forestry has come to talk to the Selectboard about what he thinks should be done. Stuart said he has spent about 5 hours inspecting the town forest and thinks the first step is to identify the town's goals and then bring the parties together to come up with a plan to achieve those goals. Stuart recommended a 10-year management plan. Stuart gave his background and credentials. Stuart said it appears that the town forest has been neglected. Stuart said timber harvesting, wildlife habitat and recreational use are not mutually exclusive. Stuart said he could update West Windsor's plan for about \$8,000 which would include mapping, plotting, locating trails with gps, and an implementation strategy. Glenn asked if there is timber in the town forest. Stuart said there is a lot of 16" diameter oak but indiscriminate cutting would be a disaster. Stuart said by early fall, he could have a plan for the town. Hal agreed that the goals should be identified before a plan is prepared. Hal said the Town Plan is general enough that the forest management plan will not be in conflict with it. Bruce agreed that it's important to identify what the residents want to do with the town forest. Bruce said realizing the best possible monetary return might not be the highest priority for residents. Bruce noted that the draft 2010 Town Plan includes a recommendation to update the Forest Management Plan by 2011. Kenny Burke said it's important to remember that the town forest is already conserved so there won't be any building or unauthorized access. Kenny said we need to determine what's best for the townspeople, the wildlife and the forest. Kenny said it would be nice to have a consensus opinion from townspeople, but the forest committee is primarily concerned with what is best for the forest. Kenny said it's great if people want to use the forest for recreational purposes but that can't be in conflict with maintaining a healthy forest with wildlife. Cathy Boedtger said there is no record that the town forest is legally conserved and the Conservation Commission would like to see it conserved as a first step. Cathy said the town forest is forgotten by most residents. Cathy suggested forming a "Friends of the Town Forest Committee" with representatives from various user groups. Cathy said it's her understanding that County Forester Jon Bouton will walk the land with town representatives and make recommendations. Jim Lyall said it seems to him that the town plan would identify what the residents want and the forester would look at the forest with that in mind. Tom asked whether recreation or forest management takes priority. Stuart said that depends on what the town wants. Tom said he thinks some parts of the town forest should be left wild. Hal said the hardest part of planning is establishing priorities. Jon Bouton said his job is to help towns make decisions about how to take care of their forests, but he doesn't have time to do inventories. Jon recommended doing a broad inventory of resources including trees, understory vegetation, soils, recreation trails, and wildlife habitat. Jon said community involvement makes good sense. Jon said the Forests and Parks Department is putting together a management plan that includes Ascutney and Little Ascutney Wildlife Management Area. Jon said the West Windsor town forest is surrounded on two sides by conserved or state-owned land so it's a great opportunity to form collaborative agreements with the state and possibly the owners of the Resort. Bruce asked Jon what his role would be in the process of adopting a management plan for the town forest. Jon said he would be happy to look at the forest management plan, walk the town forest with interested parties, and participate in a discussion of possible uses. Tom said he would like to get the Town Plan passed before deciding what inventories

are needed. Hal said the PC's public hearing on the Town Plan is June 30<sup>th</sup> at 6:30 PM at the Town Hall. Ken said the Forest Committee was created to oversee the Town Forest and he would hate to see their role fragmented among various boards and committees. Ken said the place to hear from the various factions is in a public forum. Chris Nesbitt said he thinks the forest is a terrific asset and he would love to see an inclusive process. Chris asked Stuart how many town forest management plans he has prepared. Stuart said one, for the town of Andover. Glenn asked to what extent STAB uses the town forest. Jim said there are about 8 miles of trails in the town forest, half of which are old logging roads. Jim guessed that more than half of the trail users are hikers and noted that many trails are too steep for mountain bike use. Erik provided the Selectboard with a map showing the trails. Erik said three years ago the International Mountain Biking Association gave a trail building seminar for STAB and, subsequently, STAB built South Ridge Run which goes to Kimball Farm Road. Erik said STAB builds sustainable trails and has put in at least 400 hours per year over the past three years. Erik said STAB has members from Massachusetts, New York, Vermont, and Connecticut who help build trails. Tom asked if STAB got permission from the Forest Committee before building trails in the town forest. Jim said the Town Forest Committee gave STAB written permission and a year later he went to a Selectboard meeting and gave the Chair a copy of the agreement. Glenn said he thinks we should get the town plan approved and then come up with a forum for deciding on the mix of uses we want in the town forest. Bruce suggested taking advantage of the public forums that are going to take place on the Town Plan to get some feedback on the use of the town forest. John Cocks said whether the town forest is conserved or not, it's an asset held in common by the residents and property owners of West Windsor. John said the opinion of a professional forester should be given considerable weight. John said STAB has used the forest responsibly but he has reservations about large events and or 4-wheeler use due to the risk of environmental damage. John said there's a slight conflict in that mountain bikers enjoy demanding terrain, but the more demanding the terrain, the more vulnerable it is to damage. Laura Stillson said there has been a lot more use of the town forest by Resort guests lately. Laura added that there is going to be a biking trail from the state park all the way around the mountain, so there is going to be more pressure from non-residents. Laura said some areas are sensitive and not appropriate for that kind of use. Laura said it's important to be aware of what adjoining landowners are planning. Laura offered to share her knowledge of the area to assist in protecting it from overuse. Tom agreed that there are areas that would be destroyed by overuse. Mark Nowlan noted that a forester would specify which areas should not be used. Tom agreed with Glenn that we should get the Town Plan passed first and then focus on the forest management plan. Erik said if you have more trails, the users are distributed over a larger area so you have less use per trail. Kenny asked who is going to enforce whatever plan is adopted. Glenn said that's a problem with any regulation.

- 9) Sport Trails of the Ascutney Basin (STAB) – STAB had no further comments.
- 10) Application for Public Assembly: Win & Rita Johnson – **Tom made a motion to approve Win and Rita Johnson's application for public assembly on August 31, 2010 at 74 Johnson Road.** Ralph had no problem with the application. **Bruce seconded the motion, which passed unanimously.**
- 11) Law Enforcement update – Glenn said the Town Attorney has drafted a resolution to be used when a Special Officer is appointed, the Selectboard has been working on an equipment budget, and Jim Kenyon is working on radio call numbers. Glenn said the legislature has given towns more time to deal with the issue by extending the deadline for complying with training requirements to 2012.
- 12) Beaver Brook bank stabilization project – Glenn said the town has applied for permits and, thanks to Bruno Associates, has drawings of the project. Glenn said he and Tom gave informal approval for Bruno Associates to do the drawings and permit work but, for the record, **Glenn made a motion to approve Bruno Associates as the consultant on the Beaver Brook bank stabilization project and authorize the preparation of required documentation for permitting. Tom seconded the motion, which passed with Bruce abstaining.** Bruce said after looking at Dan Lesnick's estimate, he suggests scaling back the project. Tom suggested asking for permission to just do the "rock placement" portion of the project this year and see what effect that has. Bruce said he suspects that

the Army Corps would want to see some stabilization occurring in conjunction with the flow augmentation. Glenn suggested bouncing Tom's idea off Mike Adams to see what he says. Glenn suggested doing the project in two phases if the permit is good for a year. Bruce agreed to talk to Mike Adams.

- 13) Silver Hill right-of-way – Glenn said he called Town Attorney Matt Birmingham this afternoon and Matt agreed that it would be fine for the Selectboard to sign the deed and property transfer documents associated with establishing the location of the Silver Hill right-of-way. **Tom made a motion to authorize the Chair to sign the Quit Claim Deed from the Town of West Windsor to Silver Hill Farm LLC, dated June 14, 2010, and the related property transfer tax returns on behalf of the Selectboard. Bruce seconded the motion, which passed unanimously.**
- 14) Fourth of July update – Cathy Boedtger said the fireworks will be on July 2<sup>nd</sup> and the fireworks permit has been signed by both Mike Spackman and Ralph Johnson. Cathy said Mike had some reservations about signing it due to safety concerns. Cathy said she notified the fireworks company that no set up would be allowed without meeting with the Fire Chief first. Cathy said she faxed the fireworks contract to Matt Birmingham for his review because she was concerned about what would happen to the \$6,500 payment if Mike decided to shut them down. Cathy said Matt had her add a clause to the contract, which she then faxed to the fireworks company. Cathy said she hasn't heard back from the company yet. Noting that it has not been done in the past, Cathy asked if it is necessary to notify the town's insurance company that we're having fireworks. Glenn said he will contact the insurance company tomorrow. Cathy said the Fourth of July Committee has applied for a permit to use the state highway for the parade so that shouldn't be an issue. Cathy said she will be meeting with Mike Spackman about signage. Tom said he doesn't think the town is required to notify the insurance company about town-sponsored events.
- 15) Establish Wastewater Committee – Glenn said there is funding available for a feasibility study and he thinks it would be worthwhile to establish a committee. Glenn said if the town ends up actually constructing a wastewater project, the funding for the study has to be repaid. Glenn suggested forming a committee with representatives from the Selectboard, the Planning Commission, the Conservation Commission and interested townspeople, to solicit public input. Tom asked about the charge of the committee. Glenn said the committee's charge is to solicit input from the town as to whether or not the town should pursue a feasibility study. All agreed. Bruce said if we decide to do a study, we'll have to determine if the focus of the study is to connect to the existing system or to establish a separate decentralized system. Hal asked how long the funding is going to be available. Glenn said he will find out. Bruce said if Mill Brook is being polluted, that will move the project higher up on the list of things that need to be remedied. **Tom made a motion to authorize the creation of a Wastewater Study Committee. Bruce seconded the motion, which passed unanimously.** The Selectboard agreed to appoint the members of the committee at their next regular meeting.
- 16) Town Constable/Delinquent Tax Collector's Report – No report
- 17) Highway Foreman's Report – Mike said the sidewalk project is underway and he met with the Agency of Transportation (AOT) today to discuss their part of the project by the Grange Hall. Mike said AOT did not see any problem with what the town is doing. Regarding the shoulder safety project, Mike said the state has located pipe for us and the town and state will work together to install it. Mike said the town will supply the driveway culvert and he asked the state to cut the brush by July 1<sup>st</sup> so the town can do the project in August. Mike said he talked with Jarrod Becker from Better Backroads and our bank stabilization project was approved back in March but we never got the letter. Mike said Jarrod asked him to join a committee looking at improving water quality with more restrictive standards for highway maintenance and repair activities such as ditching and grading. Mike said H.509 makes the amount of state funding for paving and structure projects contingent on meeting the revised standards. Mike said the committee has to define goals and objectives and come up with a timeline for implementation. Mike said he doesn't like that H.509 doesn't provide incentives for towns that comply; it just punishes towns that don't comply. Glenn said he thinks the standards are

unrealistic, but if towns don't meet them, they lose 10% of their funding. Bruce agreed that the standards take away the flexibility to deal with site specific issues. Mike said the committee is charged with figuring out the steps involved in implementing the bill, which isn't effective until 2011. Mike said Vermont is the only state in the nation that has codes and standards for town highways and if the standards are too cumbersome, nobody's going to comply. Mike said he wants to make sure that the standards allow towns to comply "to the best of their ability." Mike said the paving on the Brownsville-Hartland Road is done and the mower is coming on July 5<sup>th</sup>. Mike said he has jury duty on July 6<sup>th</sup> – 8<sup>th</sup>. Tom said he thinks the paving associated with the sidewalk project can be charged to the grant. Mike recommended getting bids from Springfield Paving and Blaktop. The Selectboard agreed to let Mike get the bids. Tom said it would be nice to have the paving done before July 2<sup>nd</sup>. Regarding the recent site visit to Hotel Road, Bruce said he thinks the minutes should reflect that all the culverts associated with Hotel Road need to be replaced. Mike agreed. Tom said he read the minutes and thinks the record should reflect that there may be other things wrong with Hotel Road that haven't been discovered yet; the issues identified in the minutes should not be considered final or all inclusive.

- 18) Propane tank, etc. in Town highway right-of-way – Tom said the owner is going to move the tank out of the right-of-way.
- 19) Route 44 safety shoulder work – This item was discussed under the Highway Foreman's Report.
- 20) Sidewalk project report - This item was discussed under the Highway Foreman's Report.
- 21) Tree Warden report – Tom said Rice Tree Company did two days of work for \$900 per day and he was extremely pleased with their work. Tom said he would like the town to hire them for three more days to remove trees under the Tree Warden's supervision. Mike said he supports Tom's request.  
**Bruce made a motion to hire Rice Tree Company for an additional three days. Glenn seconded the motion, which passed with Tom abstaining.**
- 22) Update on Sheddsville Cemetery project(s) – Tom said the Schoens put in the dirt and the road but, on our end, a couple of loads of dirt got dumped a long time ago and although there is no need to take them out at this time, eventually we will have to take them out. Tom said right now they prevent people from driving into Sheddsville Cemetery, which is just as well.
- 23) Correspondence: Johnathan Croft (Duling Road) – Glenn said the Agency of Transportation was not satisfied with West Windsor's explanation of the Duling Road highway mileage adjustment, so we have until next year's certification to deal with the issue. Matthew Birmingham – Glenn noted receipt of a copy of a letter from Matt Birmingham to Mr. and Mrs. Coakley in regards to the Zoning Administrator's notice of violation for the work on their Sugarbush Road property (parcel #2-80) in Happy Canyon. There was no discussion. Glenn also noted receipt of a copy of a letter from Matt Birmingham to the Vice President of Berkshire Bank encouraging the bank to step up to the plate on the delinquent taxes owed by Williams & Company Mining. There was no discussion.
- 24) Other Business – Town Hall sound system: Tom said the system has been installed. Energy audit: Glenn said the holdup has been that we don't have the old energy audit that was done at the school. Glenn said he thinks auditing the Town Hall should be a priority. Bruce agreed. **Tom made a motion to proceed with an energy audit of the Town Hall and the Library and to table consideration of auditing Albert Bridge School. Bruce seconded the motion, which passed unanimously.** Seems Road tree: Tom said there is a pine tree in the town right-of-way on Seems Road which is dead and threatening to fall on Jim Kenyon's garage. Mike said, as Road Foreman, he will inspect the situation and make a recommendation. Mountain Bike Trail proposal: Regarding a letter received from Forestry District Manager Jay Maciejowski, Bruce asked if the Selectboard is supposed to take any action. Martha said the letter is just notifying the Selectboard that the Agency of Natural Resources (ANR) is reviewing a proposal for a mountain bike trail so if the Selectboard has any comments, they should contact ANR. Bruce said the proposed trail could increase the usage of the town forest trails. Tom suggested asking ANR to keep the Selectboard updated whenever new information becomes available. Tom said the Selectboard should find out if motorized vehicles are going to be allowed to use the trail. Bruce said he thinks it would be for non-motorized use. Bruce asked if people are going

to have to pay a fee at the state park to use the trail. Glenn said he thinks so. Bruce said apparently STAB is going to maintain the trail. All agreed that they would like to be kept informed of any project developments.

- 25) Approve Minutes - May 5, 2010: **Tom made a motion to approve the minutes of May 5, 2010 as written. Glenn seconded the motion, which passed unanimously.** May 6, 2010: **Tom made a motion to approve the minutes of May 6, 2010 as written. Bruce seconded the motion, which passed unanimously.** May 10, 2010: **Tom made a motion to approve the minutes of May 10, 2010 as amended. Bruce seconded the motion, which passed unanimously.** May 17, 2010: **Tom made a motion to approve the minutes of May 17, 2010 as written. Bruce seconded the motion, which passed unanimously.** May 19, 2010: **Tom made a motion to approve the minutes of May 19, 2010 as written. Bruce seconded the motion, which passed unanimously.** June 1, 2010: **Tom made a motion to approve the minutes of June 1, 2010 as written. Bruce seconded the motion, which passed unanimously.** June 2, 2010: Tom noted that the minutes are a record of what was inspected but are not inclusive of everything that needs to be done to fix Hotel Road. Bruce agreed that the minutes of the inspection of Hotel Road are not meant to be a comprehensive listing of all the items that need to be repaired in order for the town to take over the road. The minutes are just a discussion of the condition of the existing culverts and the Town Foreman recommends that all the culverts be replaced. Tom and Glenn agreed to include Bruce's comments as a note at the end of the minutes of June 2<sup>nd</sup>. **Tom made a motion to approve the minutes of June 2, 2010 as corrected and amended. Bruce seconded the motion, which passed unanimously.**
- 25) Adjourn – **Bruce made a motion to adjourn at 8:50 PM. Tom seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison