

WEST WINDSOR SELECTBOARD

Draft Minutes

April 12, 2010

Present: Bruce Boedtke, Tom Kenyon, Glenn Seward, Lindsey D'Anna, David Jaacks, Bob French, Jim Kenyon, Mike Spackman, Sue Greenall, Ted Siegler, Todd Menees, Cathy Archibald, Martha Harrison

- 1) Call to Order – Selectboard Chair Glenn Seward called the meeting to order at 6:00 PM.
- 2) Changes or Additions – Additional correspondence; postpone quarterly budget review; rearrange the order of some agenda items
- 3) Public Comment – None
- 4) Site visit: Beaver Brook to investigate erosion – **Tom made a motion to recess the meeting to inspect the erosion on Beaver Brook behind the church. Bruce seconded the motion, which passed unanimously.** Following the site visit, the Selectboard agreed to determine if any permits are needed for the alteration of the brook and to get estimates from Dan Lesnick.
- 5) Energy Committee update – David Jaacks reported that the school had an energy audit fairly recently but Win Johnson is interested in having another audit done. Glenn asked if the Energy Committee reviewed the results of the recent audit. David said they have not reviewed it yet but he will request a copy at the next school board meeting. Tom noted that he has seen lights on at the school at all hours of the night. Bruce suggested a timer for the school lights. Tom suggested solar-powered lights. David asked if the Selectboard would like the Energy Committee to look into saving energy on streetlights. Glenn said he thinks it's worth investigating.
- 6) Silver Hill Road alteration – Karl said that [on March 25th] he and the Selectboard talked about moving the Silver Hill Road right-of-way 16' off the front corner and 10' off the house, without moving the road at this time. Glenn asked Karl if he took the eaves into account. Karl said he did not. Glenn asked if the survey has been done. Karl said the points have all been set and he thinks the property owner [Wynn Medinger] has the Mylar that needs to be recorded. Tom recommended that the Selectboard sign off on the Mylar noting that the traveled portion of the highway is not in the center of right-of-way. Bruce asked if the location of the existing road will show up on the Mylar. Karl said he doesn't know. Bruce said the Mylar should show the location of the road. Bruce said Karl should also consider getting a state subdivision permit for a boundary line adjustment. Karl said it hasn't been that long since Harvey Hastings subdivided the property. Tom said we did not have a town survey of that road. Bruce said there was an assumed right-of-way, it just wasn't surveyed. Glenn agreed. Bruce asked if moving the right-of-way would change anyone's boundaries. Karl said the lot line has changed. Glenn asked why the lot line would have changed if there is an assumed 50' right-of-way in there somewhere. Bruce said if there was a survey done at one time and the right-of-way was shown in a certain location and now it's in a different location, that's a boundary line adjustment. Martha said she called the Vermont League of Cities and Towns (VLCT) to see whether a boundary line adjustment (BLA) would be needed in this situation where the same person owns the property on either side of the road and the perimeter boundary is not changing. Martha said VLCT didn't think a BLA was necessary in this situation for zoning purposes. Bruce said from the state's perspective the road constitutes a subdivision line and if it's being moved they do issue permits for BLAs. Tom said this may be a case of establishing a right-of-way rather than moving it. Karl said the ROW was established when the subdivision survey was done. Tom said the town did not sign off on that survey. Glenn said the assumption that roads are located in the center of a 50' right-of-way is widely used. Martha noted that the subdivision was approved. All agreed that it would be wise to get state approval for a boundary line adjustment. Karl said Martha told him that he can take down the tree that is about to come down. Glenn confirmed that Karl can remove the tree. Karl asked if he can clean off the roof of the equipment shed even though it's within 50' of the stream. Glenn said yes. Glenn told Karl that there needs to be a deed for the right-of-way along with the Mylar. Bruce said

technically it's a property transfer and that's why he thinks there needs to be a boundary line adjustment.

- 7) Town Constable/Delinquent Tax Collector's Report – None
- 8) Town Clerk/Treasurer's Report – Cathy had orders, which the Selectboard signed.
- 9) Talc Plant update – Glenn said he spoke with the realtor who is listing the talc plant and the realtor said there has been considerable interest in the plant. Bruce asked if Matt Birmingham has made any progress with the bank on the delinquent taxes. Glenn said not that he is aware of.
- 10) Highway Foreman's Report – Sand & gravel bids: Mike gave the Selectboard the sand and gravel bids and recommended that they approve the bid from D&D. **Tom made a motion to accept the highway foreman's recommendation to approve the bid from D&D Excavating, Inc. Bruce seconded the motion, which passed unanimously.** Mower rental: Mike said the mower rental is \$6,800. Bank stabilization: Mike said the town received preliminary approval for the bank stabilization project on Brook Road, but we still need final approval from the state. Martha said we have to send in the certification document. Bruce and Mike said they don't think any permits are necessary so we can send in the certification document. **Tom made a motion to authorize the Chair to sign the 2010 Better Backroads Certification Document on behalf of the Selectboard. Bruce seconded the motion, which passed unanimously.** Bridge & paving grants: Mike said we are going to submit applications for paving and bridge grants, although it's doubtful that we will receive funding this year. Route 44 shoulder extension: Mike said he informed the Agency of Transportation (AOT) that the town would like to do a safety shoulder extension on the north side of Route 44 between Seems Road and the Post Office. Mike said the AOT representatives thought that made sense and are willing to work with the town on the project. Mike said he will get all the agreement for entry and limited release forms from the affected property owners, and the state has agreed to extend the culverts and use their excavator. Grading & ditching: Mike said spring grading is nearly complete and then the highway crew will start ditching. Mike said D&D is talking about purchasing a crusher/seperator so if West Windsor has somewhere to store our ditching material, we could process it and swap loam for gravel. Mike said currently all that material is wasted. Mike suggested the area near the helicopter landing zone as a possible storage area. Mike said the crusher is mobile. Tom suggested the old gravel pit as another potential storage area. Mike said it's too far and we'd have to fix the road. Mike said the ditching material would have to compost for about two years and would take up an area about 200' x 200'. Bruce said he's not sure that would be compatible with a helicopter landing pad. Tom suggested talking to Reading about moving the landing pad next to their fire station. Best covered bridge repair: Glenn said Peter Ferick estimated the repair costs at \$4800 and the insurance company has acknowledged receipt of the claim. Glenn said he will ask Cathy if she has forwarded the estimate to the insurance company. Mike said Peter has worked on the Best bridge before. **Tom made a motion to accept the preliminary cost estimate of \$4800 from Peter Ferick to repair the Best Covered Bridge. Bruce seconded the motion, which passed unanimously.** Road construction requirements: Mike said there should be one document that has all of the town's road construction requirements. Mike said the A-76 standards are close. Glenn agreed that Mike and the Selectboard should review and update the requirements. Mike said he thinks core samples should be required when the road is complete. Mike said the A-76 standards require an engineer to sign off on certain hydraulic issues to meet the 100-year flood. Tom asked about drainage onto neighboring property. Mike said it's up to the applicant to work that out. Glenn agreed that the town should require an engineer's certification that the road was built in accordance with requirements. Mike said it would be nice to have a checklist of the requirements: 18" culverts, highway culverts, 12" bank run gravel, 6" crushed gravel, slopes, bank stabilization, etc. Mike said there is also a waiver provision. Bruce said there is an AOT standard for determining the appropriate width of the road based on how many houses it serves, and West Windsor's regulations should reference this standard. Bruce said he doesn't think a 24' wide road is necessary for every subdivision. Mike said most of our gravel roads are 18' to 20' wide. The Selectboard agreed to review the regulations.

- 11) Certificate of Highway Mileage 2010 (re: Duling Road) – Glenn said the Selectboard needs to respond to Johnathan Croft.
- 12) Widening of shoulder on Route 44 between Seems Road & the Post Office – This item was discussed under the Highway Foreman’s report.
- 13) Route 44 speed limit change – Glenn noted that the section that was 50 MPH is now 40 MPH.
- 14) Best covered bridge damage & repair estimate – This item was discussed under the Highway Foreman’s report.
- 15) Bridge and paving grant applications – This item was discussed under the Highway Foreman’s report.
- 16) Better Backroads Certification document – This item was discussed under the Highway Foreman’s report.
- 17) Ottaquechee Natural Resource Conservation District - Sue Greenall introduced Todd Menees who is going to be Chair of the Ottaquechee Natural Resources Conservation District (ONRCD), which includes West Windsor. Sue said ONRCD helps with stream bank erosion control projects such as the one discussed earlier on Beaver Brook. Todd said ONRCD is looking for projects for the summer of 2010. Todd said the school kids could get involved with planting trees in the buffer and any volunteer work could count as “in kind services” on a grant application if the town is interested. Glenn said the Selectboard needs to find out if there are any permit requirements for the project and consider whether it would fit in with the ONRCD’s program. Bruce said he thinks the bank has to be cut back and then Todd’s suggestion would work just fine. Tom said there’s an area behind the Kinney’s house where a planting project would be ideal. Tom said the Beaver Brook erosion is right behind the church. Bruce said the stream has become braided and it was suggested that we try to divert it back to its original course with rocks and trees. Bruce said he is not sure how the Army Corps is going to react to that suggestion but the bank definitely needs stabilization. Todd said ONRCD might be able to get some high school volunteers to supervise the tree planting by the elementary school students. Tom suggested that Todd look at the stream bank behind the school in addition to the bank behind the church. Bruce noted that the area behind the Kinney’s house probably wouldn’t require any permits and could therefore be done immediately. Mike said that area belongs to Weineke. Sue asked about the budget for the Beaver Brook project. Bruce said the Selectboard is just exploring the options now.
- 18) Conservation Commission (CC) update – Ted said the CC has spent a lot of time on ancient roads over the past two years; he described the CC’s ancient roads efforts. Ted said there are five roads that do not need to be placed on the town highway map before 2015. Ted said the road from Cowshed to Bryant Road is of particular concern. Ted said if they continue to believe that this is an ancient road, the CC would propose to place it on the town highway map before July 1, 2010, which was the original deadline. The CC will continue to work on the other four roads over the next few years. Ted said the CC is assuming that the Selectboard is fine with continuing to expend funds for the research being done by Deb Mithoefer. Ted said the CC has used up the grant money from the state so any work that Deb does is going to come out of “our” budget and the Conservation Fund budget at some point. Ted said the CC has been working with the Planning Commission (PC) on language for the Town Plan. Ted said the CC reviewed the maps and would like them to be catalogued, scanned and digitized. Ted said he thinks the town needs to support the CC’s vernal pool mapping project. Ted said the CC is not currently pursuing any conservation easements, but they are working on some trail easements. Ted said the Green Mountain Horse Association (GMHA) has been pursuing exclusive easements which deny access to other users. Ted said Glenn has suggested that the CC work with the regional planning commission on ridgeline mapping. Ted said the CC would like the Selectboard to consider creating a capital reserve that would add to the conservation fund every year. Ted said the town holds easements on a number of trails but has never allocated any money for maintenance. Ted said he suggested adding a trail maintenance fee to the entry fee for the Vermont 50 but that idea was not popular with Sports Trails of the Ascutney Basin (STAB) so he thinks the Selectboard should consider establishing a trail maintenance fund. Ted said increased storm events and related erosion are an important issue and runoff from dirt roads certainly contributes to stream siltation. Ted suggested that the Selectboard continue to work with the highway department to ensure that road

maintenance is done in a way that reduces erosion. Ted said the CC does not have access to their maps because the office is locked in the evening. Ted said he would like to have a key to the office. Glenn suggested an accessible map cabinet in the meeting room. Ted agreed. Ted asked if new maps are being created. Glenn said the town has contracted with Avatar for new tax maps. Ted said the CC has acquired about 100 pages of old handwritten records from Windsor and he thinks the Selectboard should consider hiring someone to type them into searchable word documents. Glenn said he may know someone who could do that.

- 19) ADA audio system for Town Hall & ADA sidewalk work – Tom said he got quotes from Sound Town Music for two audio systems for the Town Hall, \$5,131 and \$5,968. Tom recommended going with the better quality system for \$5,968. For the sidewalk projects, Tom got a quote from Morris & Bibens totaling \$5,206 for the concrete and a quote from Dan Lesnick totaling \$10,511 for the excavation and site work. The total for both the audio and sidewalk projects would be \$21,685. Tom said we may also have to hire someone to get the curbing and haul away the concrete. Tom said he thinks the estimates are reasonable and the work will fix all the sidewalk accessibility problems. Tom said the state is supposed to fix the drain by Bertrands. Mike said Tami Ellis suggested fixing the drain with concrete so it doesn't collapse again. Tom said it is his understanding that all of these projects have been approved by the state. Bruce asked if the remaining funds have to be returned or if the town can come up with additional ADA projects. Tom said the town can come up with additional projects. **Glenn made a motion to proceed with the ADA audio and sidewalk work as described, to be funded with community development grant funds. Bruce seconded the motion, which passed unanimously.**
- 20) Town Hall window project – Tom said he got a quote of \$2,950 from Jeff Lemire of Ridgetop Painting & Carpentry for painting and glazing the town hall windows. Tom recommended that the Selectboard accept the bid. Tom said the quote from American Plate Glass is \$8,824 so the total for the project would be \$11,774. **Glenn made a motion to proceed with the Town Hall window project as described. Bruce seconded the motion, which passed unanimously.**
- 21) Establish policy for access to maps in town office – This item was discussed under the Conservation Commission update.
- 22) Appoint Alternate EC Fiber delegate – By unanimous consent, the Selectboard tabled the appointment of an alternate EC Fiber delegate.
- 23) Appoint Assistant/Acting Zoning Administrator – Glenn noted that, on December 2, 2009, the Planning Commission nominated Shannon Harrington as Acting Zoning Administrator. Glenn said Shannon is still interested. Bruce said he doesn't see any problem with the job description. **Tom made a motion to accept the job description for the Assistant/Acting Zoning Administrator. Bruce seconded the motion, which passed unanimously. Tom made a motion to appoint Shannon Harrington as Assistant/Acting Zoning Administrator. Bruce seconded the motion, which passed unanimously.**
- 24) Correspondence: Joel Hale (re: trail access); Ashley Pakenham et. al. (re: trail access) – Glenn noted that the Selectboard received correspondence from Mr. Hale, Ms. Pakenham, the Lucarellis, the Saunders, the Alexanders and the Lustbergs indicating that they would like to retain private control over the trail network in the area and not have the town involved in the administration or maintenance of the trails. Glenn said the letters are appreciated and will be taken into consideration. Tom asked if the letters have been forwarded to the Town Attorney. Glenn said yes. Rep. Helen Head (re: constable training requirements) – Glenn said the letter from Rep. Head stated that the House Committee on General, Housing, and Military Affairs has decided not to take up consideration of H. 492, which would have waived the training requirements for constables like Ralph Johnson with more than 15 years of service. Jim Baker – Glenn said the Selectboard also received a letter from Jim Baker, the Director of the Vermont Criminal Justice Training Council, indicating that West Windsor's waiver request has been tabled pending receipt of further information. Joseph Bonanno (re: traffic counts) – Tom asked Mike if he finds the traffic count information useful. Mike said yes. Tom asked if the information is being collected in the best location. Mike said yes. The Selectboard agreed that they

would like to continue with the traffic count program every two years. Glenn said he will reply to Joseph Bonanno. Wheelabrator Claremont Co., L.P. (re: solid waste) – Glenn acknowledged receipt of a letter from Wheelabrator expressing their interest in renewing a partnership with our community. Mt. Ascutney Hospital (CHAMMPS program) – Glenn said the goal of the program is to increase opportunities for physical activity and healthy eating, and to create walking or biking paths.

- 25) Other Business – Equipment Show and Field Day: Mike requested permission for the highway crew to attend the 28th annual Equipment Show and Field Day on May 12th in Barre at a cost of \$15 each. **Tom made a motion to approve the request. Bruce seconded the motion, which passed unanimously.**
- 26) Quarterly Budget Review – By unanimous consent, the Selectboard tabled the quarterly budget review.
- 27) Approve Minutes: March 8, 2010 (Special Meeting) – **Tom made a motion to approve the minutes of the March 8, 2010 Special Meeting as written. Bruce seconded the motion, which passed unanimously.** March 8, 2010 (Regular Meeting) - **Tom made a motion to approve the minutes of the March 8, 2010 Regular Meeting as amended. Bruce seconded the motion, which passed unanimously.** March 16, 2010 - **Tom made a motion to approve the minutes of March 16, 2010 as written. Bruce seconded the motion, which passed unanimously.** March 25, 2010 - **Tom made a motion to approve the minutes of March 25, 2010 as written. Glenn seconded the motion, which passed with Bruce abstaining.** April 5, 2010 – **Tom made a motion to approve the minutes of April 5, 2010 as written. Bruce seconded the motion, which passed unanimously.**
- 28) Anticipated Executive Session – No executive session was needed.
- 29) Sign Town Clerk's Orders – Orders were signed earlier in the meeting.
- 30) Adjourn – **Tom made a motion to adjourn at 8:00 PM. Bruce seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison