

WEST WINDSOR SELECTBOARD

Draft Minutes
March 25, 2010

Present at the Town Hall: Tom Kenyon, Glenn Seward, Tami Ellis, Trevor Starr, Mike Spackman, Martha Harrison

Present at the Medinger property: Tom Kenyon, Glenn Seward, Martha Harrison, Karl Hanson

- 1) Call to Order – Selectboard Chair Glenn Seward called the meeting to order at the Town Hall at 10:30 AM.
- 2) Annual Meeting with Agency of Transportation (AOT) – Trevor said the state has more grant money available this year but, other than that, not much about the grant program has changed. Trevor said Class 2 roadway applications should include plans to replace any traffic control devices in the project area. Mike asked about the required size for road signs. Trevor said he would give Mike the guidance document on that. Glenn asked about the likelihood of West Windsor receiving a grant. Trevor said West Windsor has received 8.25% of the total funding for structures; the average is 3.5 – 4%. Trevor said towns with projects should apply for funding even if they have already received higher than average funding. Trevor said three towns received one or more structure grants three years in a row simply because there were no other applications. Tami added that if more money becomes available unexpectedly, it goes to the towns with applications on file. Trevor said some slope stabilization projects are eligible for structure grants. Trevor said West Windsor has 2.3% of the total Class 2 mileage in District 4 and has received 4.33% of the paving funds over the past 10 years. Trevor said if West Windsor doesn't receive paving money this year, they probably will next year. Trevor said there is a third grant category for emergencies. Trevor said towns with storm-related damage should contact both VT Emergency Management and AOT. Tami added that regional planning commissions should not be involved with storm-related road damage issues. Tom asked who should contact AOT when there is road damage. Tami said they don't care who contacts them as long as someone does. Trevor said AOT can come up with very accurate damage assessments. Trevor used the 2010 highway budget to come up with West Windsor's annual financial plan. Those present reviewed West Windsor's equipment and paving fund contributions, which are \$60,000 and \$25,000 annually. Trevor said that contributions to the equipment and paving funds should not be included in the highway budget when calculating the deductible for emergencies. Mike said West Windsor will be applying for approximately \$145,000 in funding to replace the Silver Hill Bridge this year. Mike said West Windsor got a grant for a bank stabilization project from Better Backroads. Mike said it sounds like West Windsor is more likely to get a paving grant next year than this year. Trevor agreed. Mike said the town will have more matching funds available next year and would be able to do a bigger project. Tom said he thinks Seems Road is going to need paving soon. Mike said he thinks a 1" overlay would work on Seems Road and Pierce Hill. Tami said in order to get the most bang for the buck, the town should save cold planing for the areas that really need it. Trevor said \$175,000, which is the maximum grant amount, would allow the town to reclaim and pave about a mile of roadway. Without reclaiming, Trevor said, the town could probably pave two miles with \$175,000. The Selectboard signed the annual financial plan. Tom said the town really appreciated the repaving of Route 44, near its intersection with Route 44A. Tami said that was a district project. Tom said the deck of bridge #7 on Route 44 has fallen out twice and the underside and the abutments are not in good shape. Tom said he worries about it because the fire department is on one side of the bridge and all the Resort buildings are on the other side. Trevor and Tami both said that AOT is aware of the problems with bridge #7 but there are many bridges in much worse shape. Tom said the Selectboard would like one sidewalk on the downstream side of the bridge. Trevor said that, in the past, he and Mike have talked about filling in the embankment between Seems Road and the Post Office. Mike said with a bank stabilization project coming up, there's going to be fill material available and it could be used for slope and cover. Mike said the town would like the state to pursue the project but

the town is willing to participate. Glenn agreed and suggested box cutting the area, putting in 18" of gravel, and sloping it with the fill from the stabilization project. Glenn said there would have to be some culvert extensions but it's basically an extension of the shoulder. Glenn said with the amount of pedestrian traffic, the narrow shoulder has become a safety issue and the town would like to actively pursue this project. Trevor said from a permitting standpoint, he doesn't think it would be a big deal. Trevor said the state would probably use ditching material and asphalt grindings to build the shoulder. Mike said the town would like to widen the shoulder on the north side of the road. Glenn said the amount of fill required would be a lot less. Mike noted that the project would involve the inlet side of the culverts rather than the discharge side. Trevor and Tami agreed to look at the site with Mike. Tom asked Mike if he knows how far out of the right-of-way the project would be. Mike didn't know. Trevor said he thinks the right-of-way in that area is three rods so the adjoining property owners would need to sign off on it. Mike said there are only three adjoining property owners. Glenn said there would have to be some pedestrian signage and a crosswalk there. Trevor said they would have to get approval for a crosswalk. Trevor said it would be helpful for the town to contact the property owners and the state will do any permitting necessary.

- 3) Sidewalk by Bertrands – Tom said the town is planning to replace some curbing and some cracked sections of sidewalk with community development grant funds. Glenn added that it looks like the D.I. (drainage inlet?) is collapsing and the granite curbing is heading down into the inlet. Tom said he thinks there is also a pipe under the sidewalk that is disintegrating. Tom asked if the state would fix this problem or if the town should include it in their community development grant proposal. Tami said the state will fix the D.I. that is on Route 44 and look at the other one. Tom said the sidewalk doesn't meet ADA standards anymore so the town wants to fix it. Glenn added that the town doesn't want to fix the sidewalk if there's a problem with the drainage underneath. Trevor agreed that the state and the town should try to coordinate the D.I. repair and the sidewalk repair.
- 4) 2010 Certificate of Highway Mileage – Tom said there's a discrepancy in the mileage for Duling Road. Glenn showed Trevor and Tami the letter from Jonathan Croft and they all looked at the map of Duling Road that Jonathan provided. All agreed that the Class 3 section is too long. Trevor said the town should continue working with Jonathan on this issue. Trevor said his understanding is that 0.07 miles will be added to the Class 4 mileage and the town will lose a little of its Class 3 mileage. Trevor, Tami and Mike left to look at the collapsing D.I. and the Route 44 shoulder widening project. Tom and Glenn agreed to continue the meeting at the Medinger property.
- 5) Site visit to determine location of Silver Hill right-of-way through Medinger property – Glenn reconvened the meeting at the Medinger property at the intersection of Silver Hill and the Brownsville-Hartland Road. Karl Hanson explained that the existing highway right-of-way line goes through the northeast corner of the house. Karl said he would like the new line to be 10' off the corner of the house. Glenn said he has no problem with that. Glenn said Tom suggested taking a point 25' from the center of the Brownsville-Hartland Road and setting a corner monument where the 10' line comes through. Karl said he also wants the surveyor to mark the southeast corner and the new angle point near the fir tree. Glenn and Tom agreed that establishing those points would be adequate. Glenn said if the town decides to shift the road, they'll have fixed points to go from. Karl said if the town does agree to establish the edge of the right-of-way 10' from the house, he is going to put the fence 7' from the house and 3' from the right-of-way line. Karl said Mike Spackman didn't have a problem with that originally but the Selectboard might want to run it by him again. Tom said the town will probably leave Silver Hill Road where it is for now and if Karl wants to take the dead tree and the ash tree down on the north side of the road, that's up to him. Tom said it's his understanding that the property owner is going to have both sides of Silver Hill Road surveyed. Karl agreed. Tom said the Selectboard will sign the Mylar indicating that they agree on the location of the right-of-way and that they agree that the road is not in the center of the right-of-way. Tom said unless the right-of-way is surveyed, it is measured from the center of the traveled portion of the highway. Karl said there is a survey of the recent subdivision of the property and that survey shows the right-of-way as measured from the center of the road. Tom said that is not a town survey. Karl said the town had to sign off on

the survey because it's a subdivision. Tom said zoning signed off on it, but the Selectboard did not approve the survey. Glenn clarified that the Selectboard did not approve the location of the right-of-way as indicated on the survey. Glenn said the zoning board has nothing to do with anything related to the highway. Tom said Farnsworth just showed the right-of-way as measured from the center of the highway; he could not have done otherwise because there is no town survey of the road. Glenn said the subdivision survey should be revised to show the correct right-of-way. Martha noted that, although the pre-existing non-conforming lot would be slightly smaller, a boundary line adjustment is not necessary. Karl said, on another topic, he'd like the Selectboard to ask the town lawyer if the Medingers could give up their right to build on the pre-existing 3-acre lot north of Silver Hill Road and legally combine it with two acres on the south side to create a conforming 5-acre lot. Then, Karl said, three of the acres that are currently included in the existing 5-acre lot could be combined with the existing 8.88-acre lot to make an 11.88-acre lot, which could then be subdivided into two lots, one with an access on Knob Hill Road and one with an existing access on Silver Hill. Martha said town roads automatically create separate lots. Karl said he'd like a legal opinion on that. Karl said there would still be the same number of lots. Tom asked Martha if this is a five-acre district. Martha said yes. Glenn said he would have to review the zoning regulations and meanwhile would defer to Martha. Tom asked why the property owner would want a lot with an access on Knob Hill Road. Karl said Silver Hill gets a lot of traffic. Glenn asked Tom if he thinks the town wants to spend the money to have Matt Birmingham render a legal opinion. Tom suggested having the DRB look at it first. Martha said Karl's proposal would constitute a subdivision. Glenn agreed that it would have to go to the DRB because West Windsor has subdivision regulations now. In other words, Karl said, we'd be opening up another can of worms. Glenn said yes.

- 6) Other business – Glenn reconvened the meeting at the Town Hall at 12:07 PM. Tom said the Selectboard and the Medinger's representative agreed conceptually on where the highway right-of-way line will be for Silver Hill and for the Brownsville-Hartland Road. Tom added that Bob Farnsworth is going to survey the property and indicate the location of the right-of-way. Tom noted that the traveled portion of Silver Hill Road will not be in the center of the right-of-way. Glenn said the Selectboard agreed that the edge of the right-of-way will be 10' off the eaves on the northeast corner of the house. **Tom made a motion to establish the right-of-way for Silver Hill Road and the Brownsville-Hartland Road as discussed. Glenn seconded the motion, which passed unanimously.**
- 7) Adjourn – **Glenn made a motion to adjourn at 12:09 PM. Tom seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison