

## WEST WINDSOR SELECTBOARD

Draft Minutes

December 10, 2012

Present: Glenn Seward, Tom Kenyon, Bruce Boedtger, Cathy Archibald, Mike Spackman, Bill Young, Bob French, Jim Kenyon, Ralph Johnson, Chris Nesbitt, Shawn & Malisa Williams, John Cocke, Ashley Pakenham, Aaron Gonthier (Windsor on Air), George Calver (*VT Standard* reporter), Cathy Boedtger, Jim Lyall, Dennis Lemire, Rudy Gross, Robert & Kristen Willis, Martha Harrison

- 1) Call to Order – Selectboard Chair Glenn Seward called the meeting to order at 6:30 PM.
- 2) Changes or Additions – Approve additional Listers expense for reappraisal, move health insurance discussion to Executive Session
- 3) Sign Orders – **Tom moved to sign the Town Clerk’s orders. Bruce seconded the motion, which passed unanimously.**
- 4) Town Clerk/Treasurer’s report - None
- 5) Public Comment – None
- 6) Public Hearing: Hannah Road – Glenn said the Selectboard inspected Hannah Road at 6:00 PM. Glenn read the public hearing notice into the record. Glenn said Wayne Lemire was the only interested party present at the site visit. Glenn asked if anyone had any comments about the proposed discontinuance. There were no comments. **Tom moved to close the public hearing on Hannah Road. Bruce seconded the motion, which passed unanimously. Glenn moved to discontinue the 0.06 mile easterly portion of Hannah Road (Town Highway #42). Tom seconded the motion.** Tom asked the Highway Foreman if he is in favor of the discontinuance. Mike said yes. **Glenn called for a vote on the motion, which passed unanimously.**
- 7) Fourth of July Committee: Plans & funding options for 2013 – Chris Nesbitt said the Fourth of July Committee will be mailing donation request letters in January. Chris said the amount of money raised has gradually decreased from \$12,500 to \$11,000 over the past three years. Chris said he thinks the Committee will have enough funds for 2013 due to a discount from the fireworks company, but he is concerned about having enough in 2014. Glenn thanked Chris for his efforts and asked him to share the Selectboard’s appreciation with the other committee members.
- 8) Review Pakenham Trail license – Ashley said she has no complaints about the usage of the trails on her property. Ashley noted that the new owners of the Hale Farm intend to preserve it with the Vermont Land Trust but request that people wait until trails are established before venturing onto the property. Glenn said he is not aware of any problems with trail usage on Ashley’s property. Tom expressed his gratitude to Ashley for making this project happen. Ashley said Ralph Johnson asked her about trail maps to assist the FAST Squad with rescues. Ashley suggested approaching the Green Mountain Horse Association (GMHA) about trail maps and offered to help. Glenn thanked Ashley and suggested involving Jim Lyall as well.
- 9) Proposed ice rink at school – Glenn said Susan Yates White has proposed an ice rink on the soccer field and the school is supportive. Glenn said some funding would come from SCIP (School & Community in Partnership) and a local business but \$7,000 in startup costs is needed for hardware, solar lights, goals, and resurfacing equipment. Glenn said the town cannot contribute but the Town Clerk will handle the accounting for donations and the town will provide insurance coverage. Maintenance will be provided by a group of local families.
- 10) Highway Access application: Larkins (Cemetery Road) – Glenn asked Mike if he has talked with Mr. Larkin. Mike said yes. Tom asked if it is an agricultural access. Mike said the access is for his barn. Mike said the sight distance is 260’ in both directions, which is adequate for a speed limit of 35 MPH. Mike said the culvert size is also adequate. **Tom moved to grant initial approval for an agricultural access at 743 Cemetery Road (parcel #5-71). Bruce seconded the motion, which passed unanimously.**
- 11) Highway Foreman’s Report – New truck: Mike said the new one-ton truck is in. Road standards: Mike said he participated in the committee to review town road and bridge standards. Mike noted confusion about the difference between new construction and maintenance and said he expects that

confusion to be addressed when the standards are revised. Mike said 72% of towns have adopted the standards. Tom asked about wetlands. Mike said that's the biggest issue for the Agency of Natural Resources. Bruce said he doubts there would be a problem with maintaining existing roads. Bowers Bridge: Glenn said he spoke with the insurance company, described the damage, and filled out a report. Glenn said he also mentioned that we have had widely differing opinions from contractors and the Agency of Transportation as to the status of the bridge. Glenn said the insurance company is going to have an engineer look at the bridge and the town has also contacted VHB Engineering to have an independent engineer inspect it. Glenn said the current height restriction is the only way to limit heavy traffic on the bridge. Bruce agreed. Radios: Mike said there are no major issues with the radios. Town Garage: Mike said the overhead doors need to be serviced. 2014 truck: Mike said he has contacted one dealer about replacing the 2008 town truck with a 2014 truck. Glenn asked when the withdrawal from the Equipment Fund would happen. Mike said we don't pay until we take delivery in late spring or early summer. Tom asked if this would take place in 2013. Mike said yes. Tom said we're not going to have enough money. Glenn said we'll have \$82,000 at the end of this year and, if we budget an additional \$60,000 for 2013, we'll have enough. Tom noted that at the end of 2013, there won't be any money in the Equipment Fund. Glenn agreed.

- 12) Bowers Road Green-up – Tom said there are a bunch of tires that need to be removed at a cost of \$2,000 to \$3,000. There was discussion about whether or not the tires are in the right-of-way. Mike said he thinks they are.
- 13) Nilson property status – Tom suggested waiting until the reappraisal is done before taking any action.
- 14) FEMA payment status – Glenn said FEMA is scrutinizing our request for final payment on the Bowers Bridge project but we are expecting about \$80,000. Glenn said if we don't receive it by the end of the year, we'll have to carry the expected amount over into next year. Glenn noted that West Windsor has done well in comparison to many other towns.
- 15) Status of Hurricane Irene work – Glenn said the work is complete as far as he knows. Mike agreed but asked about the Brownsville-Hartland Road. Glenn said we are not going to get any funding from FEMA for that project. If the slope fails, Glenn said, we can probably get funding from the state structures program. Given the amount of traffic on the road, Glenn said the town should continue to monitor the slope once a month. Mike asked if the slope could be monitored quarterly. Glenn said the town should rely on the advice of the geotechnical engineer. Glenn suggested getting some repair estimates from contractors. Tom said some of our roads need more gravel and the Selectboard should budget for that. Glenn agreed that some of the roads don't have much surface left. Tom asked about the status of Brook Road beyond the town line. Glenn said he will ask Tom Marsh about it.
- 16) Review road acceptance policy – Glenn suggested that the ordinance should be amended to include consideration of future development potential, public safety, and the number and Grand List value of the properties served by the highway under consideration. Tom suggested also including the potential Grand List value of undeveloped lots. Tom said a public hearing will have to be warned. Glenn suggested starting that process in January. Tom and Bruce agreed.
- 17) Review highway access ordinance – Glenn said there is no clear way to renew a permit and suggested a clarification to the ordinance. Glenn said it should be a simple process. Tom said he would like the approval to be good for two years and, if it's not done in two years, the applicant has to reapply. Glenn read a proposed amendment to the ordinance allowing renewal as long as there are no substantial changes to the highway being accessed or the B-71 standards. Bruce asked about a renewal fee. Glenn said he would not suggest charging an additional fee. Bruce said we need to come up with a form. Mike suggested adding space for a renewal on the existing form. The Selectboard agreed. Tom suggested warning a public hearing on the suggested changes for the same day as the public hearing on the proposed changes to the road acceptance policy. Bruce and Glenn agreed. Glenn asked Martha to draft some language.
- 18) Consider ambulance contracts – Glenn said the Selectboard sent out an RFP to Golden Cross and Windsor Ambulance asking both to address eleven specific items in their bids. Glenn said Windsor is higher in price but they are also closer and, with the welfare of the patient being the highest priority in his opinion, it makes sense to contract with the closest service provider. Glenn said Golden Cross has provided exceptional service, but they are farther away. Tom disagreed with Glenn. Tom said he

monitors the radio 24/7 and the station in Windsor is frequently unmanned, which means they cannot respond. According to Tom, Golden Cross has always responded and he has heard no complaints about their service. Tom added that he goes on most FAST Squad calls. Glenn said he's basing his opinion on the information provided by both services. Tom said if West Windsor did not have a capable FAST Squad, he would agree but we have a very capable FAST Squad. Bruce noted the presence of some FAST Squad members and asked if they would like to comment. Tom asked the Squad members to include in their comments the number of calls they have responded to over the last year. Glenn said he does not think that should preclude them from stating an opinion. Tom asked how many calls there have been this year. Glenn said 55. John Cocks said he probably owes his life to the FAST Squad and to Mt. Ascutney Hospital and Dartmouth Hitchcock Medical Center. Tom said the FAST Squad members should also note whether they are an employee of Windsor Ambulance or Golden Cross. Malisa Williams said she has been a member of the FAST Squad for 4 years, is a full-time employee of the Windsor Fire Department, and has responded to about 10 calls this year. Malisa spoke about the need for FAST Squad members to constantly improve their skills, which led her to pursue employment with the Windsor Fire Department. Although response time is not a factor in 90% of the calls, Malisa said she is concerned about the 10% of calls where 10 or 15 minutes can make a life or death difference. Malisa asked the Selectboard to consider saving lives rather than money. Bruce asked Malisa for her qualifications. Malisa said she is an EMT-B. Glenn read the responses to each of the questions from each of the ambulance services and invited those present to look over the proposals. Cathy Boedtger said she has been on the FAST Squad for 6 years and would agree that response time is the most important factor. Cathy noted that some FAST Squad members are employed and therefore unavailable during the day. Cathy also noted that not all FAST Squad members are certified EMTs, which can change the outcome of a call. Tom said Golden Cross has provided outstanding service. Glenn agreed but added that there are times when a quick response is critical. Tom asked how Windsor would transport someone who is confined to a wheelchair. Kristen said the patient would be transferred onto a stretcher. Kristen said a wheelchair van is not equipped to respond to a 911 call. Bruce said he does not think the difference in cost outweighs the response time. Tom said when the FAST Squad is toned out, Golden Cross is also toned out automatically. Glenn asked if that is a dispatching issue. Kristen said Hartford Dispatch is already doing that with a lot of mutual aid towns and, since Windsor Ambulance and West Windsor FAST Squad are already dispatched out of the same dispatch center, it shouldn't be an issue. Tom asked where the ambulance would come from if Windsor couldn't respond. Kristen said it could come from Woodstock, Hartford or Claremont. Kristen said every agency is going to have times when they can't provide everything you need. Kristen said that it comes down to response time. Tom said if we're thinking about switching we should notify Reading. Bruce was concerned about getting input from Reading in the next 3 weeks. Glenn suggested a courtesy call to the Reading Selectboard Chair but added that he doesn't think Reading should influence this decision. The Selectboard agreed by consensus to table consideration of the ambulance contract proposals until later this month.

- 19) Town Forest trails update – Jim Lyall said, since it's hunting season, he hasn't been in the Town Forest except to chain saw a few trees.
- 20) Police report – Glenn said there were 22 calls in November. Glenn added that the Selectboard recently met with the Police Chief and the Town Manager to review the police services contract. Glenn said Windsor PD has been exceeding the 15 to 20 hours per week specified in the contract due to the number and nature of the calls out here. Glenn said the communication system is working well and no major changes in activity are required at this time. Glenn said the Selectboard did request additional speed control on Route 44 and Brownsville-Hartland Road. Glenn said everyone agreed that the arrangement is working well.
- 21) Sewer line purchase update – Glenn said the process is in the hands of the attorneys and we're awaiting a purchase and sales agreement.
- 22) Discuss formation of sewer commission – Glenn said the Mt. Ascutney Property Owners Association (POA) has requested the formation of sewer commission as per state statute. Glenn said he supports the formation of a commission as an advisory board to the Selectboard. Glenn envisions the commission being responsible for day to day operations oversight, budgeting, negotiating contracts,

- and developing a capital improvement plan under the auspices of the Selectboard. Glenn said the commission would have between 3 and 7 members who would serve four-year terms. Tom asked how much latitude the commission would have. Glenn expected that they would have to operate within the parameters of the budget approved by the Selectboard and report on their activities monthly. Glenn said sewer commissioners have to be registered voters so they should be available to attend Selectboard meetings. Tom asked how Orange Lake would be represented. Glenn said he would leave that up to the POA to work out. Tom asked if there can be nonvoting members. Glenn said no. Tom said the sewer commission meetings would be open meetings so any user could attend. Glenn agreed.
- 23) Status of future sewer line extension to village area – Glenn said there was a recent meeting of state officials, the Selectboard, the Wastewater Committee, and Aldrich & Elliott. Glenn said two scenarios are being considered: 1) an expansion that only serves the village area, and 2) an expansion that serves the village area, corrects some existing deficiencies and allows future connection of homes in the Sky Hawk Lane area. Glenn said #2 would be more expensive but would be better in the long run. Glenn said the Selectboard is hoping to have more specific cost information in a couple of months.
- 24) Consider signing escrow agreement – Glenn said the escrow agreement is part of the Memorandum of Understanding that the Selectboard recently signed relating to the sewer system purchase. The escrow agreement allows sewer users to pay into an account held by the Town Attorney. Glenn said many users are not comfortable sending money to a corporation based in Utah. Glenn said Matt Birmingham made two suggested changes to the agreement, one outlining the disbursement criteria and the other specifying that money left in the escrow account at closing will go into the WASTE escrow account which would be used for capital improvements. **Glenn moved to sign the escrow agreement with those two revisions.** Bruce asked if Aldrich & Elliott would be authorizing the expenditures. Glenn said 40% of the money would go to Windsor for treatment charges and 55% would go to Snowdance for the hard costs necessary to operate the system, as approved by WASTE (Windsor-Ascutney Sewage Treatment Enterprise). **Tom seconded the motion, which passed unanimously.**
- 25) West Windsor Disaster Relief Fund (WWDRF) – Glenn said the account has been closed after collecting and disbursing approximately \$23,000. Glenn thanked Arthur Steinberg, Elvin Kaplan and Win Johnson for managing this effort, and Cathy Archibald for administering the account.
- 26) Community Development Block Grant discussion – Glenn said there is a meeting scheduled for the Selectboard, state officials, Aldrich & Elliott, and the regional planning commission on December 20<sup>th</sup> to discuss the possibility of grant funding for sewer expansion into the village.
- 27) Board & Committee appointments – Glenn said he received a letter from Hal Pyke resigning his positions on the Planning Commission and the Development Review Board (DRB) effective January 1, 2012. **Glenn moved to accept Hal's resignation with regret. Bruce seconded the motion, which passed unanimously.** Glenn said the positions have been posted for about two weeks and Arthur Steinberg has expressed interest in serving on the Planning Commission but no one has expressed interest in serving on the DRB or the Conservation Commission. **Glenn moved to appoint Arthur Steinberg to the Planning Commission effective January 1, 2013. Bruce seconded the motion, which passed unanimously.** Cathy Archibald had a list of additional appointments. **Tom moved to appoint Robert Matthews as Cemetery Sexton, Polly Ouelette to the Council on Aging, Shannon Harrington to the DRB for another 3-year term, Jim Kenyon as Emergency Management Coordinator, Ted Siegler as Greenup Coordinator, Al Keiller to the Planning Commission for another 3-year term, Tom Kenyon as representative to the Southern Windsor County Management District and the Southern Windsor County Regional Planning Commission. Glenn seconded the motion, which passed unanimously.**
- 28) Recreation/Economic Coordinator (REC) appointment – Glenn said a job description has been created. Glenn read an email from Al Keiller stating, among other things, the need for clear short-term objectives and accountability in order to evaluate results. Glenn said he received a letter of interest from Cathy Boedtke and a phone call from Jill Delaney. Glenn said he envisions the REC working closely with the Planning Commission (PC). Glenn added that he would like the PC to weigh in on the appointment and would also like to boil down the job description to something more manageable. Bruce agreed that the job description is daunting for a volunteer. Bruce also said he

thinks it's an important position and should be funded eventually. Tom suggested an article on funding the position at Town Meeting.

- 29) Energy Committee discussion – Glenn asked if West Windsor should continue to have an Energy Committee. The Selectboard agreed to solicit an opinion from the Planning Commission.
- 30) Discuss employee health insurance benefits – The Selectboard agreed to move this item to the Executive Session at the end of the meeting.
- 31) Discuss Coakley stipulation – Glenn said Mr. Coakley has not adhered to the stipulation agreement dated May 14, 2012. Glenn said it is his opinion that this failure to adhere nullifies the agreement and the matter should proceed to Environmental Court. Glenn said it's going to take time and cost money but we need to enforce the town's rules and regulations. Bruce agreed. Tom said he wants to make sure that Mr. Coakley cannot sell the property as long as it's in violation. Glenn said the Town Attorney feels that the DRB's decision is adequate to address that. Ashley asked Glenn to summarize the issue, which he did. **Bruce moved to pursue Mr. Coakley's violation of the stipulation agreement in Environmental Court. Tom seconded the motion, which passed unanimously.**
- 32) Correspondence - None
- 33) Approve Minutes - November 1<sup>st</sup>: **Glenn moved to approve the minutes of November 1<sup>st</sup>, as written. Tom seconded the motion, which passed unanimously.** November 12<sup>th</sup>: **Tom moved to approve the minutes of November 12<sup>th</sup>, as written. Bruce seconded the motion, which passed unanimously.** November 21<sup>st</sup>: **Tom moved to approve the minutes of November 21<sup>st</sup>, as written. Glenn seconded the motion, which passed unanimously.**
- 34) Other Business – Bowers Road: Dennis Lemire asked if Bowers Road is going to be plowed by the town this winter and, if so, if snowmobile trailers could park there. Mike said the right-of-way is only 50' so he doesn't see how trailers could park there. Glenn said the snowmobile club could pursue a parking area and turnaround with an adjoining property owner. Dennis asked if the town would be willing to plow it. Bruce asked if the property owner would be willing to give the town an easement. Dennis said he didn't know. Dennis said if the town acquires the Nilson property maybe there could be a small parking area there. Tom suggested that the town allow the snowmobile club to plow the right-of-way beyond the Pierce property. Mike said the town already plows beyond Pierce's driveway but they don't plow the entire 50' width. Dennis said he will talk to Ed Pierce. Tom said we're going to need a parking area for horse trailers too. Dennis said snowmobilers are restricted from accessing the trails from the Resort area. Mike asked about parking in the Town Forest. Glenn said motorized vehicles are not allowed in the Town Forest. Rudy noted the need for an amendment to the Act 250 permit to allow snowmobiles in the Town Forest. Glenn said the town needs to be willing to request an amendment to the permit and he's not sure the town is willing to do that at this point. Dennis said it's his understanding that the town wanted to wait until spring to request the amendment. Loan agreement: **Tom moved to approve signing the loan agreement for preliminary engineering work approved at a previous meeting. Bruce seconded the motion, which passed unanimously.** Coaching Lane Extension project: Mike said the project has cost \$25,916.05 so far, with more bills to come, and additional culvert and ditching work to be done. Listers' budget: After discussion, the Selectboard and the Town Clerk agreed that, although the Listers have gone over budget on wages, no action is necessary.
- 35) Executive Session: Personnel matters – **Glenn moved to go into Executive Session to discuss personnel matters. Bruce seconded the motion, which passed unanimously.**
- 36) Adjourn – **Glenn moved to come out of Executive Session and adjourn, with no action taken, at 9:29 PM. Tom seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison