

West Windsor Selectboard  
Draft Minutes  
December 30, 2018

Present: Selectboard members Win Johnson, Matt Kantola and Brett Myers; Library Trustees Tom Kenyon, Dick Beatty, Edson Pierce and Christine Wagner; Town Administrator Martha Harrison, Town Clerk Cathy Archibald, and Town Attorney Matt Birmingham

- 1) Call to Order – Selectboard Chair Win Johnson called the meeting to order at 4:03 PM.
- 2) Changes or additions to the agenda – Ascutney Outdoors grant application for a small project on town land
- 3) Announcements/Public Comment – None
- 4) Discuss Library Status with Library Trustees – Dick read from an email he sent with suggestions on resolving the issues facing the library, which include the following: that the library be turned over to the town; that the librarian become a town employee; that the trustees resign and be reappointed by the Selectboard; that the trustees quitclaim their interest in the library to the town, subject to approval at town meeting; that current and future library employees be recommended by the trustees to the Selectboard; and that library employees be supervised by the trustees. Dick noted a 2002 VT Supreme Court decision involving the Hartford Public Library, which allows for a wide variety of power-sharing schemes that best suit the needs of the particular town. Whether the library trustees are appointed by the Selectboard, or elected by the voters, Dick said, they will have to file a full report with the town. Dick noted that the Library has two small trust funds, totaling \$8,000, and suggested that the Library retain control of those funds and report how they are used. Dick said if the newly formed Friends of the Library organization raises funds for the library, the trustees will also have to report how those funds are used. Christine said the Library Trustees would like the Librarian to be an employee of the town and noted that she was put on the payroll with the Town's employee identification number (EIN). Cathy said the Library has its own EIN. Brett asked why all this is being changed now. Dick said an issue arose with regard to the ownership of the library and, while the town insures the building, the deed indicates that the trustees own the library but the trustees would prefer to have the town own it. Dick said the trustees would still operate and manage the library and supervise library employees. Brett suggested that the town just own and maintain the building and leave the operation of the library to the trustees. Dick pointed out that the library trustees do not have terms. Dick said he thinks the town should have some means of replacing trustees who are not doing a good job; otherwise, it's a lifetime appointment, unless the trustee resigns. Dick said he thinks the trustees should be appointed by the Selectboard. Christine said Edson and Tom have been maintaining the building and grounds but, when they are no longer able to do that, the town will have to hire someone. Christine said the Selectboard would also hire the Librarian, based on the recommendation of the Library Trustees. Christine said she doesn't think it would be a significant additional burden for the Selectboard since there's an automated payroll system in place and there's no expectation that the library's hours of operation will increase. Christine said town ownership would also provide some structure for strategic planning. Brett said it sounds like the Selectboard would have some management responsibilities. Win said the Selectboard would review the library's income and expenses on a monthly basis as they do with the highway department so there would be an added layer of transparency. Win said if the library becomes untenable in terms of cost, town ownership would open up more discussion because the Selectboard would be presenting the Library budget at town meeting

along with everything else. Win said he's not concerned about the trust funds, but the library's checking account would have to be turned over to the town. Win said the Selectboard would delegate the operation of the library to the trustees and they would have to operate within the confines of the voter approved budget. Brett asked if the Librarian would be subject to the town's personnel policy. Dick said, in his opinion, the Librarian should be treated like any other part-time town employee. Dick added that he does not anticipate any significant increase in hours or expense. Win asked about the number of library trustees. Dick said he thinks the state statute specifies five trustees. Win suggested staggered two or three-year terms. Matt Birmingham said he thinks Dick's proposal to convey the real estate to the town is a good plan. Matt said it's clear in the deed that the library trustees own the library. Matt said, according to the Hartford case, the town and the library can tailor any agreement they want. Regarding the trust funds, Win said, if they get turned over to the town, they just get reported in the Town Report as a restricted fund for the library; nothing really changes. In order to effect this, Win said the Selectboard needs a letter signed by the Library Trustees, and will need NEMRC to set up a new fund. Matt Birmingham suggested that he and Dick structure a specific agreement and submit it to the library trustees and the Selectboard for review and approval. Christine said she thinks it's a good idea to transfer all the funds, including the trust funds, to the town. There was discussion about how frequently the Librarian gets paid and agreement that she should be paid on the same schedule as other part-time town employees. Win asked Brett and Matt Kantola if they are in favor of Dick's proposal. Brett and Matt said they are in favor. Dick said he will draft an agreement and send it to Matt Birmingham for his review before it is presented to the library trustees and the Selectboard for consideration. Win asked Matt Birmingham if this proposal has to be voted on at Town Meeting. Matt said yes.

- 5) Other Business – Ascutney Outdoors: Win said Ascutney Outdoors (AO) submitted a grant application to build a skills park on town property, which the town learned about when we received a Project Review Sheet from the District Environmental Commission. Win said AO should not build something on town land without town approval. Matt Kantola said he is familiar with the project and described it. Win expressed concern about the project interfering with skiing. Win called Glenn Seward, put him on speaker, and asked him if there is anything about the project that would pose an obstacle for skiers. Glenn said yes but they plan to use the obstacles as jumps for skiers and snowboarders. Glenn said they did ask to have the skills park moved a little more to the east so there's a wide space for skiing. Win said since the project is on public land, written approval from the land owner (the town) has to be attached to the grant application. Win said Steve Carihfield has drafted a letter for the Town and AO to co-sign. **Win moved to sign the letter to indicate the town's approval of the project. Brett seconded the motion.** Martha asked if the access to Reservoir #1 will be affected. Win said no; the project is on the east side of the slope. **Win called for a vote on the motion, which passed with Matt abstaining.**
- 6) Adjourn – **Brett moved to adjourn at 4:52 PM. Matt seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison