

## WEST WINDSOR SELECTBOARD

Draft Minutes  
January 9, 2011

Present: Glenn Seward, Tom Kenyon, Bruce Boedtke, Cathy Archibald, Dennis & Betty Lemire, Bob French, Jim Kenyon, Ralph Johnson, Phil Arvidson, Genevieve Lemire, Hal Pyke, Nick & Felicity Knight, Paul Hoisington, Cathy Boedtke, Mike Spackman, Bill Ley, Bill & Sylvia Young, Martha Harrison

- 1) Call to Order – Selectboard Chair Glenn Seward called the meeting to order at 6:30 PM.
- 2) Changes or additions – Knight highway access application, computer backup system
- 3) Town Clerk's orders – **Tom made a motion to sign the Town Clerk's orders. Bruce seconded the motion, which passed unanimously.**
- 4) Public Comment – None
- 5) Town Clerk's report – None
- 6) Town Constable's report – None
- 7) Knight highway access – Felicity said they would like to use the existing agricultural access during construction and then move the access 30' up the road. Tom said he visited the property and thinks the sight distance would be even better if the access were moved further up the road. Nick said the access will be straighter where it connects to the road in the proposed location and easier to construct. Mike said the proposed location meets the sight distance requirements in our standards. Mike added that he doesn't think we should make the Knights do more than necessary to meet the requirements. Tom asked where the access will be in relation to the road culvert. Nick said it will be on the uphill side towards the old house. **Tom made a motion to grant initial approval for a residential access at 1084 Sheddsville Road.** Bruce asked for clarification on the use of the existing agricultural access. Nick said they will construct the new access when they have a piece of equipment on site to do the septic system. Felicity said they will close off the agricultural access when the new residential access is complete. **Bruce seconded and amended the motion to specify that the existing agricultural access is temporary for a period not to exceed 12 months at which time the new residential access will have to be used. Tom accepted the amendment and the motion, as amended, passed unanimously.**
- 8) Highway Foreman's report – FEMA: Mike gave the Selectboard an estimate from Dan Lesnick for repair of the Brownsville-Hartland Road, not including the paving price. Glenn said after the storm, it appeared that the slope had started to fail. Our last FEMA rep verbally authorized the repair of the slope, so the town had some test borings done, at a cost of \$14,500 to get the information needed for engineered drawings and bid packages. The borings showed that failure is not imminent and our new FEMA rep says we can only repair it to its pre-disaster condition, which includes repairing the pavement and taking the sag out of the road, but no slope work. Glenn said Dan's estimate to restore the road to its pre-disaster condition is \$12,333. A large-scale repair of the slope would have cost around \$300,000. Glenn said the town is going to appeal the determination of our new FEMA rep and maybe, at least, we can get the \$14,500 back. Bruce said the test borings did give us the information that failure is not imminent, so we can go ahead with the smaller scale fix and not worry about it for the time being. Mike said, according to our new FEMA rep, we don't have to get bids on this project; we can use our regular contractor. Mike said the work will be done in the spring and the road will only be closed for one day. Grants: Mike asked about the status of grants. Martha said we were reimbursed for the Silver Hill Bridge. Cathy said we were also reimbursed for the safety equipment but we haven't received reimbursement from Better Backroads. Martha said she just sent in the Better Backroads report two weeks ago. Bowers Covered Bridge: Mike said Miller started work on the covered bridge last week. Mike asked if we're still waiting for a determination from FEMA on the Dugdale Road project. Glenn said yes; because of the historic nature of the structure, our FEMA rep has to talk

to Pete Thomas. Mike said all the storm damage road repair work is done. Sand & gravel bids: Mike said we can send out our requests for bids. Mike said we should include Jarvis in the bid process this year. Nilson property: Tom said Barbara Nilson, who owns the property adjacent to the Bowers Covered Bridge, has given the town an asking price for the property, which will be included in an article on the town meeting warning. Tom said the town was going to rent the land but we're mostly working within the right-of-way. Mike said the bridge itself is not in the right-of-way. Tom said he didn't address the rent issue with Barbara. Mike said Steve Bodley thinks he'll have all the pieces done by the end of the month and will start erecting the bridge the first of February. Tom asked about insurance coverage for the bridge. Glenn said the proof of loss form has been submitted but the town has not received a check. Tom asked if the new bridge is insured while it's under construction. Glenn said he believes that it is, but we can verify that.

- 9) Law Enforcement – Glenn said Ralph will be retiring at the end of June, and the Selectboard has explored a number of alternatives including hiring a local person, relying on the state police and/or the sheriff's department, and forming a regional police force. Although there is interest in a regional force, Glenn said, it will not be up and running by July. Glenn said the Selectboard has been talking with Windsor about providing "911" coverage on a 24/7 basis, as well as roving patrols and speed enforcement for approximately 16 hours per week at an annual cost of \$70,000. Glenn said it amounts to about \$7.95 per hour for the town to have police response available 24/7. Glenn read a letter from Ray Keefe, Troop D Commander of the VT State Police, stating that the state police do not have the resources to cover West Windsor in a timely and secure manner. The letter supports West Windsor's plan to obtain police services from Windsor. Glenn said he thinks contracting with Windsor is the most responsible thing to do. If we don't contract with Windsor, Glenn said, we will have to rely on the state police, who have said they can't get here in a timely manner, or the Sheriff's Department, who have said they cannot respond to emergencies. Glenn said if we had more time, maybe we could hire someone who is willing to move to town, provide their own car, go through 168 hours of training, and be on call 24/7. Even if we do that, Glenn said, we would still have only one officer available and police protocol requires that two officers respond to the more serious situations such as domestic assault. Glenn said Windsor has committed to respond with two officers in the event of a serious situation. With regard to the budget, Glenn said we have made our last \$50,000 fire truck payment and, with Ralph only working part of the year, we will save some money. Glenn said if we contract with Windsor for ambulance service, there would be additional savings of about \$4,500 so the net effect of the police contract with Windsor would be nil. Ralph asked how Windsor is going to respond with two men if they don't have two men on; they don't have enough to cover their own town. Glenn said Windsor is prepared to hire additional people. Bob French said one of the Windsor Selectmen is against this idea. Bob added that Windsor already has more problems than they can handle. Jim Kenyon said he thinks the Selectboard should have a little more faith in the voters to decide how much they want to spend on police protection. Jim suggested putting an ad in the paper. Glenn said even if we find a suitable candidate, the Selectboard is not qualified to operate and manage a police department. Glenn said the cost of hiring and equipping a local officer would be about the same as contracting with Windsor, but there would be no management systems in place. Phil Arvidson said Windsor has had many problems over the years and has not managed any of them well. Phil agreed that this issue should be decided by the voters. Genevieve said her son is a state trooper and he says retired state troopers don't often work for towns because the people who run towns are good at running towns but not good at running a police force. Genevieve said the town has to insure the officers and is liable for their actions. Genevieve said her cousin is a state trooper in Hartland and it takes him 45 minutes to get anywhere. Genevieve said for a domestic assault, two officers have to respond so if West Windsor hires one person, that person is going to have to wait for the state police to come and a lot can happen in 45 minutes. Genevieve said she supports signing a contract with Windsor. Hal said Windsor will be hiring one officer under a state grant and they would hire another one under this proposed

contract so there would be two officers available on a 24/7 basis. Hal said if it's not working out after a year, there would be time to pursue an alternative. Hal said he is in favor of contracting with Windsor. Bill Ley asked if Windsor is asking for a two year contract. Glenn said yes. Paul Hoisington said he didn't even know Windsor had a police department; he's only seen a cruiser once in the past year. Paul said when he worked for the Windsor Police Department in the 1950s and 1960s, they made their presence known. Paul said he is not in favor of having the Windsor Police Department out here. Bob French said he owns a business in Windsor and, when he calls the police, it takes them 20 to 30 minutes to respond so how are they going to respond to West Windsor in a timely manner. Dennis Lemire said \$70,000 seems like too much money; if we go with Windsor on a temporary basis, we should try to find someone who would live in town for \$40,000 per year. Glenn said an entry level police officer is about \$38,000 per year and then you have to provide gear and a vehicle. Dennis said hiring a retired person who already has the qualifications could bring the costs down. Glenn asked if we're going to be able to find someone who will respond 24/7. Glenn added that he is not competent to manage a police department. Glenn said he is looking out for the safety of the people in West Windsor. Glenn said what happens if we don't sign the contract, Ralph retires, we can't find someone to take his place, and something happens. Ralph said the state police will have to come. Glenn said they might be here in an hour. Ralph said he had a domestic situation and the state police were here in 10 minutes. Glenn said the state police are not a 24/7 police service. Phil suggested an "opt out" clause in the contract in case things are not working well after six months. Cathy Boedtger said she does not want to be without someone who will respond if she calls 911, but the state police do respond to domestic disputes and other serious situations. Cathy said if there's an out clause in the contract, it should be after 12 months. Cathy said she would like the town to try to find a local officer or continue to explore the idea of a regional police force. Cathy asked what happens if Windsor wants out of the contract after a year and we haven't pursued other options. Tom said he sees no reason not to warn an article for \$70,000 for police protection and, if it's approved, we can sign the contract the next day. Glenn said Windsor has already stated that they can't gear up in the amount of time between town meeting and July 1<sup>st</sup>. Tom said he doesn't buy that argument. Sylvia asked if the ambulance contract goes with the police contract. Glenn said it's not required but we can contract for ambulance service for an additional \$5,000. Phil said that is not a well thought out proposal. Sylvia said she thinks the issue should go to the voters. Tom said if you decide to contract with Windsor, what are you going to do when the Selectboard gets a petition to have a vote at town meeting about appropriating \$70,000 for police protection. Tom said he can almost guarantee that you're going to get that article, and you're not going to look very good. Glenn said he'll go down knowing that he did everything he could to protect the people of West Windsor. Ralph said most 911 calls are kids playing with the phone or people misdialing. Genevieve said it's the 1% that's going to get us. Glenn said it's a two-year contract; we're not marrying Windsor. Bill Ley said there seems to be two concerns – the amount of money being spent and a lack of trust that Windsor can provide what we need. Bill said it would be difficult not to find someone who would be willing and able to provide local police protection for \$70,000. Glenn said you'd still be left with one person who is not available 24/7. Glenn said neighboring towns are interested in a regional police force and maybe, in a year or two, something will be in place. Bruce said the point is that we're exposed. Unless something's happening to you, Bruce said, you may not worry about it but right now there is no other solution until we can figure something out regionally. Bruce agreed with Glenn that the Selectboard does not have law enforcement expertise. If you hire someone and it doesn't work out, Bruce said, it takes a long time to get rid of them and then you start the process all over again. Bruce said we have to protect our citizens and there are no other options right now. Bob asked who put us in this situation anyway where we have to do away with our town constable. Glenn said the state legislature. Glenn added that, due to complaints from West Windsor and other towns in our situation, Ralph got an extension. Bob asked if we can keep complaining. Phil said State Senator Alice Nitka was

the most helpful. Glenn said the state is steadfast in its commitment to maintain standardized training for police officers. Glenn said we have a limited amount of time and the contract with Windsor is a viable alternative with a trained police force that has systems in place. Genevieve said most people who attend the police academy are sponsored by the town that plans to hire them but sometimes the person doesn't pass the training. Bruce added that the \$38,000 doesn't include benefits. Jim said he would go along with it but he thinks a one-year contract is long enough. Tom said he still likes the idea of putting it before the voters. Hal said it's going to take a few months to hire someone and then, if he has to wait until February to go the academy, that will be a year from now and he may not pass the training. Hal said he supports the contract with Windsor. Bill Young said Windsor is going to have to send someone to the academy or hire someone who is already trained. Glenn said Windsor is trying to find someone who is already trained. Bill Ley said Windsor may welcome a one-year "out clause." Phil asked if the Selectboard is proposing to contract with Windsor for ambulance service, as well. Glenn said Windsor will provide ambulance service for an additional \$5,000, in comparison with Golden Cross which is \$9,417. Phil said West Windsor has been served well by Golden Cross and he would favor maintaining our contract with them. Cathy Boedtger said she would like West Windsor to stay with Golden Cross. Bill Young said Windsor is not licensed to provide the same level of care that Golden Cross is licensed to provide. Jim said when Hartford Dispatch said they needed direct communications with Golden Cross, Golden Cross bought the equipment needed at no charge. Bill Ley asked if Windsor residents know that their police force may be covering West Windsor. Glenn said he cannot address that. Jim said it was discussed on "Windsor on Air." Glenn said he would like to clarify that the initial period of the contract is for two years and, after that, the two selectboards would meet on an annual basis to decide whether or not to continue. Phil suggested trying to renegotiate. **Glenn made a motion to approve the contract with Windsor for law enforcement services for \$70,000 contingent upon further negotiations regarding a) an out clause b) a specified # of hours for roving patrol and c) regular review of progress.** Bruce said he supports entering into an agreement with Windsor but there are some terms that need to be worked out so he's not prepared to sign it tonight. Once the terms are worked out, Bruce said, he would feel comfortable signing it. Ralph said the tax payers should vote on it. Tom said approving the contract should be subject to funding by the voters because he doesn't know where the money is going to come from. Tom said the Grand List is going to go down and he thinks Glenn is proposing to spend money that we don't have. Tom said he doesn't think it's going to make a difference whether we sign it now or the day after town meeting. Glenn said there's a motion on the floor. **Tom made a motion to move on to the next item on the agenda.** Glenn said we're not done dealing with this yet. Tom said there was no second to Glenn's motion. **Bruce made a motion to table this issue until we get the terms of the agreement ironed out.** Tom said if the contract is renegotiated and some of those things are ironed out, he is prepared to try it for a year or two. **Tom seconded Bruce's motion to table. Glenn called for a vote on Bruce's motion, which passed with Glenn opposed.**

- 10) Ambulance Contract – **Tom moved to award the contract to the low bidder, which is Golden Cross. Bruce seconded the motion, which passed with Glenn opposed.**
- 11) Discuss town wastewater issues: Glenn said the Selectboard is considering purchasing the sewer line to Windsor. Glenn said we need to do this to move the sale of the ski area along and stabilize the utility situation for the 273 tax payers on the mountain. Glenn said the condition of the sewer line needs to be evaluated and a price needs to be negotiated. Tom said if we're going to get the ski area sold, we have to acquire the sewer line. Tom added that if West Windsor ever wants to connect the village to the sewer line, we need to be involved. Tom said the cost to West Windsor is very low in the long term. Glenn said the cost of evaluating the system, which could be as high as \$15,000, can be covered by a state loan at 0% for five years. Dennis asked Glenn to elaborate on the situation. Glenn said the sewer system at the Resort has been neglected for a number of years and, as a result, the current owners have had to make improvements. Glenn said the permit

for the system requires the users to pay for all operating costs and, because the system has been neglected, it needed a lot of work and consequently the rates skyrocketed and many users are not paying. Glenn said the whole thing has evolved into such a legal battle that nobody will buy the ski area because they don't want to inherit the utility mess. Glenn said the ski area is not saleable, property values are falling, and there is no clear way out of the situation without the town getting involved. Glenn said he has suggested that the town buy the sewer line to stabilize the situation and to allow future expansion into the village. Glenn said there is currently no possibility for development in the village because there is no way to get rid of the wastewater. Glenn said the users would be the only ones responsible for charges related to purchasing the sewer line. If we decide to expand the sewer line into the village, Glenn said, then we may need to discuss how the whole town might benefit. Dennis asked if we would purchase the system up to the town line. Glenn said we would purchase the line all the way to Windsor in hopes that Windsor would ultimately purchase their portion of the line. Tom asked if we should have this as an article in the town warning or include it in the budget as a legitimate town expense. **Bruce made a motion to hire a firm to evaluate the system. Tom seconded the motion, which passed unanimously.**

- 12) Equipment Fund & Paving Fund status – Cathy said the Equipment Fund has a balance of \$84,580 and the Paving Fund has a balance of \$49,038. Glenn said given the status of the budget and future expenses he does not see altering those amounts. Tom and Bruce agreed.
- 13) 2012 Budget – Glenn suggested including the sewer evaluation expenses and adding the ambulance contract amount. Regarding law enforcement, Glenn said he will try to contact Windsor's town manager tomorrow. The Selectboard agreed to meet on Monday, January 16<sup>th</sup> at 7:30 AM to finalize the budget and the warning for town meeting.
- 14) 2012 Certificate of Highway Mileage – **Tom made a motion to approve and sign the Certificate of Highway Mileage. Bruce seconded the motion, which passed unanimously.**
- 15) Town Highway and Bridge Weight Restrictions – **Glenn noted that there are no changes to the town highway and bridge weight restriction filings and moved that we keep it on file. Bruce seconded the motion, which passed unanimously.**
- 16) Correspondence – None
- 17) Minutes – November 29<sup>th</sup>: **Tom made a motion to accept the minutes of November 29, 2011 as written. Bruce seconded the motion, which passed unanimously.** November 30<sup>th</sup>: **Tom made a motion to accept the minutes of November 30, 2011 as written. Bruce seconded the motion, which passed unanimously.** December 2<sup>nd</sup>: **Tom made a motion to accept the minutes of December 2, 2011 as written. Bruce seconded the motion, which passed unanimously.** December 15<sup>th</sup>: **Tom made a motion to accept the minutes of December 15, 2011 as written. Bruce seconded the motion, which passed unanimously.**
- 18) Other Business – Wastewater budget numbers from A&E: Glenn said the proposal includes a cursory system review, purchase and sales agreement support, and bond vote assistance. Computer backup system: Martha said Carbonite will cover all our computers under a group plan for \$229 per year, but someone has to be the Administrator. **Glenn made a motion to approve Carbonite and appoint the Town Clerk as Systems Administrator. Bruce seconded the motion, which passed unanimously.** Health Insurance: Mike said we need to get Tonya Chambers back here to address issues with the new health insurance plan. Glenn agreed.
- 19) Adjourn – **Tom moved to adjourn at 8:20 PM. Bruce seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison