

## WEST WINDSOR SELECTBOARD

Draft Minutes

July 11, 2011

Present: Glenn Seward, Tom Kenyon, Bruce Boedtke, Dave Halpert, Lou Lertola, Cathy Archibald, Mike Spackman, Ralph Johnson, Laura Stillson, Dana Waters, Martha Harrison

- 1) Call to Order – Selectboard Chair Glenn Seward called the meeting to order at 6:30 PM.
- 2) Changes or additions to the agenda – insurance coverage for volunteers, Bowers Road, Coon Club Road, veteran's tax exemption, library roof, fire district update
- 3) Sign Town Clerk's Orders – **Tom made a motion to sign the Town Clerk's orders. Glenn seconded the motion, which passed unanimously.**
- 4) Public Comment – EC Fiber: Dave Halpert said EC Fiber raised \$1 million from friends and family this past spring and has started a pilot project with 400 subscribers in the Barnard area. Dave said FairPoint and Comcast have no further expansion plans but FairPoint has excess capacity at their Reading point of presence so EC Fiber may be able to run fiber to West Windsor from Reading. Dave said it would cost \$16,000 per mile and \$1,200 per subscriber. Based on a 65% take rate, it would cost \$1.2 million to provide 100% coverage in West Windsor. Dave said EC Fiber has come up with a model financing plan to sell \$2500 shares with a five-year return and a reasonable interest rate. Dave said once we get 25% of the total we need, we could start connecting people and then use the revenue from those connections to connect more people. Dave said there is also a school grant project and he is going to see if the two projects can collaborate. Dave said Vermont got a \$48 million federal grant to connect 300+ institutions, including Albert Bridge School, with fiber. However, it would cost the school \$700 per month and they currently get Comcast for free. Dave said he's trying to find out if all the town buildings and nearby residences can be connected. Fourth of July: Glenn thanked everyone involved in organizing the fantastic July 4<sup>th</sup> celebration. Lou Lertola: Lou Lertola, a self-appointed advocate from South Burlington, was present to urge the Selectboard to allow West Windsor voters to consider a motion to increase the property tax exemption for disabled veterans to \$40,000 at the next town meeting. Lou gave the Selectboard a worksheet showing that increasing the exemption would cost property owners in West Windsor 50 cents per \$100,000 of property valuation. Lou asked if he could send the Town Clerk the wording for an article for the warning for the 2012 Town Meeting. Lou said West Windsor has 4 veterans who would qualify. The Selectboard members agreed that Mr. Lertola is welcome to send more information on the subject.
- 5) Town Clerk/Treasurer's Report – Cathy said Lynn Van Natta would like to use the upstairs hall on Tuesdays from 5:00 PM until 6:30 PM for free yoga classes. The Selectboard agreed to allow Lynn to use the hall on a trial basis for 3 months. Glenn said to let Lynn know that meetings take precedence if there's a conflict.
- 6) Review budget – **Glenn made a motion to postpone the review of the budget until next meeting. Bruce seconded the motion, which passed unanimously.**
- 7) Set local tax rate – Glenn suggested using the money received from the recent tax sale to reduce the tax rate. Tom and Bruce preferred to leave the tax rate at 29 cents (8 cents for the town; 15 cents for the highway; 2 cents for appropriations; and 4 cents for Act 144). **Glenn made a motion to set the tax rate at 29 cents. Tom seconded the motion, which passed unanimously.**
- 8) Town Constable/Delinquent Tax Collector's Report – Glenn thanked Ralph for his efforts on the recent tax sale. Tom asked if there are any outstanding taxes for 2009. Ralph said no.
- 9) Regional Police Force update – Glenn said he is waiting to hear from the regional planning commission about the schedule for the next meeting.
- 10) Highway Foreman's Report – Trucks: Mike said the new replacement truck is here and we're still waiting to get the trade-in truck back from the shop where it is being repaired. Mike said his truck has been recalled. Mower: Mike said the mower threw a rock at Janet Flynn's house and damaged the clapboard. Mike said he told her to send the bill to the town. Rush Meadow emergency repair grant: Mike said he thinks Cathy is waiting for the cancelled checks to come back. Martha said

Cathy left a cancelled check for the guardrail on her desk. Sheddsville stream bank stabilization: Mike said the project will be done later this summer. Silver Hill Bridge: Mike said the bridge will be replaced sometime in September and the road will be closed for a week or more. Bruce asked about the cutoff for completing the work. Mike said the cutoff for starting is October 15<sup>th</sup> but we have until the 30<sup>th</sup> to finish. Coon Club and Cemetery Road: Regarding the perennially muddy sections of these two roads, Mike said he talked to Dan Lesnick about a box versus a tapered slope and they both think that a tapered slope would be better with a culvert to divert the water out to the ditch. Mike estimated each project at \$2,500. Glenn said he would reserve judgment until they get in there. Grader: Glenn said he has not heard anything about the town's partial payment on the grader repair bill but will call in a week or two if we don't hear. Covered bridges: Mike said we have to re-plank the Best covered bridge this summer, and possibly the Bowers Bridge. Vacation: Mike reminded the board about his vacation. Bowers Road: Tom asked about plowing the Bowers Road right-of-way so snowmobilers can park there. Mike said he doesn't think there's enough room. Tom asked if there would be any objection to the snowmobile club maintaining a parking area there. Glenn said he has no problem with that. Mike said he allows snowmobilers to use the town garage parking area as long as they're not in the way of the highway department. Mike asked if the snowmobile trail is going to go from Bowers Road to the resort. Tom said we hope it will someday. Mike said the resort parking lot is big enough to accommodate snowmobilers. Clay highway access: Glenn said the proposed access is on Rush Meadow Road, just north of the Hudson's house. Glenn asked Dana if he knows how wide the right-of-way (ROW) is. Dana said the deed does not specify a width but there's an old map drawn by Richard Clay's father who said the ROW is 50' wide. Dana said the existing ROW is the best access because anything else is going to be in the floodplain and involve crossing the brook, and it's steep on the other side. Glenn said the sight distance is fine. Mike said water drainage onto the road could be an issue. Glenn said the B-71 standards require a negative slope. Mike said he doesn't have a problem as long as those standards are met. Mike said it's dynamite work right there because there's ledge. Bruce asked if they're going to be able to stay within the ROW to build the road. Glenn asked Martha about the floodplain. Martha said it's about 65' wide where Willow Brook crosses under Rush Meadow Road. Glenn said he thinks the ROW is just outside the floodplain. Mike said it's doable but it's going to take quite a bit of work. Bruce said we're just looking at where it meets the road but they also have to make the rest of it work. **Tom made a motion to grant initial approval for a highway access off Rush Meadow Road to parcel #1-79 via the right-of-way, in conformance with the B-71 standards. Bruce seconded the motion, which passed unanimously.** Dana asked about the zoning permit for the driveway. Martha said she has to go out and look at it but if it's too steep or too close to the brook, she would refer it to the Development Review Board (DRB). Holstein access (Bible Hill, across from Van Fleet): Glenn said there was an application for a highway access back in 2001 but it doesn't look like it was ever granted. Glenn said there is negative grade off the road and lots of sight distance. Glenn said the proposed access location is at the north end of the property by the telephone pole. Tom asked if the right-of-way is the correct distance from the property line. Martha said there are no dimensions on the sketch and maybe that was part of the problem in 2001. Tom said if it's too close they would only have to move it a few feet. Tom asked if there is any urgency. Martha said they're thinking about building in the fall and, in their initial conversations with FairPoint or CVPS, they've been asked for their address, which they don't have. **Glenn made a motion to approve the initial highway access off Bible Hill Road to parcel #2-143 on the condition that the access is the minimum required distance (10') from the property line. Tom seconded the motion.** Bruce said he would like applicants to at least flag their proposed accesses. Bruce said he assumes that Martha or the DRB will look at the driveway and make sure it meets the standards. Martha said if it meets the standards, she can approve it but if there are issues with slope or wetlands or anything, she will refer it to the DRB. Bruce asked if applicants are aware of the B-71 standards. Mike said the standards are attached to the access application. **Glenn called for a vote on the motion, which passed unanimously.** Injured volunteer: Mike said a firefighter was working in the fire station putting blue board on the roof

area and fell and injured his leg. Because the work he was doing wasn't considered "fire fighting duty," he was denied workman's compensation insurance. Mike said the volunteer, who lost his job and will be laid up for 4 months, is challenging the decision. Glenn volunteered to contact the insurance company.

- 11) Town forest management plan update – Glenn said Conservation Commission Chair Ted Siegler met with representatives from Fish & Wildlife and Forests & Parks and all agreed to stay in touch with the regional planning commission (RPC), Tii McLane, and the town forest committee (TFC) as the town forest plan develops because there's a lot of related information. Glenn said that, according to Ted, Tii is going to hike the upper portion of the town forest with the Fish & Wildlife representative and the state ecologist. Glenn said the RPC is working with Tii on mapping. Glenn said Cathy Boedtger has submitted a draft Town Forest Committee mission statement which the TFC is going to discuss at their next meeting. Glenn said the TFC is inquiring about the Ascutney Trails Association (ATA) taking over maintenance of the Bicentennial Trail. Glenn said he gave Rudy Gross the contact information for Barbara Rhoad. Tom asked if the ATA would maintain the parking area as well. Bruce said no.
- 12) Recreational trail system update – Glenn said when Ted met with the state, there was discussion about trails connecting to the Little Ascutney Wildlife Management Area and the Ascutney State Park. Glenn said there has been 4-wheeler traffic on the Bicentennial Trail. Glenn said Laura Stillson put some signs up, after discussing it with Bruce. Glenn said he will close off access from his property and talk to Snowdance about closing the other access. Glenn said he is getting prices for signs for the town forest indicating town forest policy, and that there should be no motorized vehicles. Bruce said the signs should go at the entrances to the town forest. Glenn said he will check with the resort owners to make sure it's okay with them if the town puts up signs at the property line.
- 13) Consider signing recreational trail agreements – Glenn said it has been ruled that we need an Act 250 permit for the recreational trails. Glenn said he, Bruce, and Jim Lyall are going to meet with District Coordinator April Hensel tomorrow morning to get more information. Glenn said he had inquired about state permits some time ago with State Permit Specialist Jackie Carr. Bruce asked if there is a formal written jurisdictional opinion. Glenn said no, he thinks that will be forthcoming at the meeting tomorrow. Bruce asked who requested the jurisdictional opinion. Glenn said John Cocks requested it and John has also requested copies of all correspondence relating to conversations with April and the Act 250 office. Glenn said he has checked with Town Attorney Matt Birmingham and Martha has checked with the Vermont League of Cities and Towns (VLCT) on the town's responsibility to provide that information. Glenn said John is also requesting all information going forward. Glenn said it is the Town Attorney's position that John does not have the right to future information unless he comes in after the fact and requests it. Bruce asked if the meeting with April tomorrow has been warned. Glenn said yes. Glenn said he has some bills from Jim Lyall that total approximately \$4,000. Jim sent a note along with the invoices stating, "Attached are the bills for STAB Mountainside trail work, kiosk, changing room, port-a-john, & shield at South Face cost plus 10%. We still need to complete the roof structure, install roofing, and assemble it in place. Note that design time was billed at \$0. South Face will also donate delivery and truck time so labor and materials will not exceed \$480 to complete. I propose that STAB and West Windsor split the cost of the bulletin boards with plexi-glass covers, which have yet to be built. The second invoice is for materials and labor on the Nordic trail, which is now named "Home Again" – that is the trail connecting Cunningham's to the trail system. Also, some time for creating the new map, billed at the rate for one of our foreman rather than the usual design rate. I am proposing that this bill be split between West Windsor and STAB. I haven't billed anyone for any of the maintenance time and materials as traffic increases; this will go up and will need to be billed in some way." Bruce said he has no problem paying for actual physical structures that can be picked up and moved to town property but he doesn't feel comfortable paying for trail work on private property. Glenn and Tom agreed. Tom asked where this all ends. Glenn said he is hoping that April Hensel will grant the town some latitude in light of the circumstances and he thinks the town should move forward. Bruce

said the Resort is already under Act 250 so maybe it will just require a minor amendment. Glenn asked about the time frame for having a minor application approved. Bruce said the District Coordinator has a lot of latitude. Tom asked about the funds needed for the trail system between now and the end of October. Glenn estimated an additional \$1,500. Tom said some people have commented that they didn't think this project was going to cost the town any money. Glenn said the money is coming from the general fund surplus. Glenn said he will ask Jim to bill the town for the structures only, and not the trail work. **Agreements: Tom made a motion to approve and sign the memorandum of agreement between the Town of West Windsor and Sports Trails of the Ascutney Basin (STAB), the license agreement between the Town of West Windsor and Snowdance LLC, and the agreement with Orange Lakes for proposed new trails and a kiosk at the Ascutney Mountain Resort. Bruce seconded the motion, which passed unanimously.**

- 14) Wastewater feasibility study update – Glenn said the Aldrich & Elliott engineers have done a lot of work locating water and wastewater supplies, and have begun investigating the possibility of connecting to the sewer line to Windsor, or establishing a community system based somewhere in town. Glenn said there will be a public information meeting on July 19<sup>th</sup> at 7:00 PM.
- 15) Fire District update – Glenn said he got a call from Jeff Commons, the attorney for the Public Service Board (PSB), inquiring about the status of the fire district. Glenn said he mentioned the concept of a larger fire district, including Windsor, and Jeff indicated that the concept would not be well-received by the PSB for a number of reasons. Glenn said the fire district petition and bylaws have undergone final edits and will be available any day now. Glenn said Jeff also indicated that most fire districts do not go through the legislative process.
- 16) Discuss legislature's redistricting proposal – Glenn said the legislature has proposed new districts. Tom said leaving the districts as they are still meets the "one person, one vote" standard. Glenn said the proposal will be discussed at the Board of Civil Authority meeting on Thursday.
- 17) Tree Warden's report – Tom said he has talked to Charlie Weld about the tree removal proposed for his property and they have agreed that three elm trees will be spared.
- 18) Approve Minutes - June 11<sup>th</sup>: **Tom made a motion to approve the minutes of June 11, 2011, as written. Bruce seconded the motion, which passed unanimously.** June 13<sup>th</sup>: Tom suggested that the town put up a wall calendar for board meetings to prevent scheduling conflicts. **Tom made a motion to approve the minutes of June 13, 2011, as written. Bruce seconded the motion, which passed unanimously.** June 21<sup>st</sup>: **Tom made a motion to approve the minutes of June 21, 2011, as written. Bruce seconded the motion, which passed unanimously**
- 19) Other Business – Transfer Station: Glenn said the Weathersfield Town Manager sent a letter indicating that stickers will no longer be available at the transfer station and must be obtained at one of the town offices. The letter also outlines the policy when someone shows up without a sticker, and requests feedback from the Selectboard. Bruce and Tom said they think the policy is fine. Library roof: Tom said the roof work is scheduled for next week. Transportation Advisory Committee (TAC): Tom said the I-91 overpass bridges are scheduled to be replaced by 2014, which will involve closing Route 44 for some periods of time.
- 20) Executive Session (if needed) – **Glenn made a motion to go into Executive Session. Bruce seconded the motion, which passed unanimously.** After discussion, **Tom made a motion to come out of executive session, having taken no action. Bruce seconded the motion, which passed unanimously.**
- 21) Adjourn – **Glenn made a motion to adjourn at 8:43 PM. Bruce seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison