

West Windsor Selectboard  
Draft Minutes  
July 22, 2019

Present: Win Johnson, Brett Myers, Matt Kantola, Martha Harrison, Tom Kenyon, Mike Spackman, Cathy Archibald, Merle Bushkin, Gideon Spikes (Windsor on Air), Chris Wagner, Jeff Hermanson, Randy Perry

- 1) Call to Order – Selectboard Chair Win Johnson called the meeting to order at 6:30 PM.
- 2) Changes or Additions – Tree Warden update, generator maintenance contract, title work for utility projects, complaint re: unapproved development, car in Town Forest parking lot, Glebe lands, process for minor event permit applications, expired stormwater permit
- 3) Public Comment – None
- 4) Town Clerk's report – Sign orders: **Brett moved to sign orders. Matt seconded the motion, which passed unanimously.** Review YTD financial statements: Win said, with a couple of exceptions, the actual v. budget looks pretty good. Win asked Cathy if she can re-classify the expenses related to the Burke property purchase. Cathy said yes. Win noted that the expenses for the Library look good too, and asked Cathy to add the Library budget numbers. Win said wages are low since the Library has been without a Librarian for a couple of months, and maintenance & repairs are a little over due to the gutter work.
- 5) Proposal to demolish old structures on the mountain – Win said there are some abandoned structures, related to the defunct ski area operation, that are deteriorating rapidly and Glenn Seward has offered to demolish and remove as many of the structures as possible for an amount not to exceed \$6,000, which will include equipment rental, dumpster rental and fuel; he will not charge for his time. Win noted that Glenn will not be able to access the structure at the top of the quad and he may not be able to get to the structure at the top of the triple. Tom said much of the wood is treated which is why it has to be removed. Win said he authorized the work and offered to cover the cost if the Selectboard does not approve it. **Brett moved to approve an amount not to exceed \$6,000 for Glenn Seward to do as much demolition and removal of the abandoned structures on the mountain as possible. Matt seconded the motion, which passed unanimously.**
- 6) BRELLA/Brownfields update – Win said the state wants the Town to do additional testing, which includes developing a work plan, which costs money, and the state doesn't have any money right now. Martha said they will have additional money available on October 1<sup>st</sup>. Win said this puts us back probably at least until early November. Win said his question is: what can we do with the property in the meantime? Win suggested that Martha and Mike get together with Shawn Donovan on the site and see what can be worked out. Win said if we can't come to an agreement on the timing and the requirements, we can decide at that point whether to move forward or not. Win asked if the Town was reimbursed by the RPC for the \$500 BRELLA application fee. Martha said she's waiting for the cancelled check.
- 7) Library Trustee recommendation re: open Librarian position – Chris said the Trustees interviewed three candidates and would like to recommend that the Town hire one of them as the Librarian and the other two as "per diem" employees who can provide coverage when the Librarian is unavailable. Win said he's not sure the Town can hire people "per diem" and asked why the two wouldn't be hired part-time. Chris said part-time employees have to be given a certain number of hours; with "per diem" employees, there are no guarantees. Win said as long as they're filling out time sheets and have a pay rate, that's fine. Win suggested that the Trustees make the offer and announce their selection when they get an acceptance.

Win said the new Librarian and the per diems should get in touch with Cathy to fill out paperwork. **Brett moved to authorize the Library Trustees to make an offer to the candidate they would recommend to fill the Librarian position and to hire two “per diem” employees to provide coverage as needed. Matt seconded the motion.** Cathy said their rate of pay would be the same as all the other part-time Town employees. **Win called for a vote on the motion, which passed unanimously.**

- 8) Unapproved development on Rush Meadow Road – Win said Merle Bushkin noticed development on an abutting property and contacted him to find out what was happening. Win said the Selectboard granted an access permit some time ago but there were no other local permits granted for anything beyond that, including a bridge. Win said he has talked with Deb Shearer and she has talked with the property owner, and will talk with Randy Perry, the contractor. Win said Deb is also issuing a cease and desist order and informing the parties that they need to come in and get a permit. Matt asked if any permits have been issued for the bridge. Martha said the state has issued a Stream Alteration permit. Matt said the concrete guys were there this week. Merle said they have installed a pier to support the bridge and noted that the project has been underway for at least two weeks. Win asked Martha to talk with Deb and keep the Selectboard posted if there are any problems.
- 9) Parking in the Village – Tom said it came to his attention on the Fourth of July that the village is getting cramped for parking. Sooner or later, Tom said, there’s not going to be enough parking. Tom said if the school’s septic mound were removed, the ball field could be moved and additional parking could be added. Tom said there’s also land behind the Library. Matt said we could use the Ski Tow Road parking area. Tom was concerned about older people walking from the Ski Tow Road parking area to the village. Matt said we could shuttle people. Win asked Tom if he is concerned about the distance or the condition of the trail. Tom said both. Win said the Hotel may allow the Town to use the old Cunningham lot. Win said parking should be included in the Town’s long range planning.
- 10) Highway Foreman’s report – Sign Better Roads grant agreement for Silver Hill project: Martha said we have not received the agreement, but suggested that the Selectboard approve signing it when it arrives so we don’t have to wait for the next meeting. **Brett moved to authorize Win to sign the agreement when it comes in. Matt seconded the motion, which passed unanimously.** Rush Meadow speed study: Win said the average speed northbound was 30 MPH and the average speed southbound was 31 MPH; the 85<sup>th</sup> percentile speed was 37 MPH northbound and 38 MPH southbound; we had one person going northbound at over 60 MPH and a couple going southbound at over 50 MPH. Tom asked if there is a date and time associated with the excessive speed. Win said yes but the police would probably have to sit there all month to catch the person. Win asked if the Town has the speed cart up there. Mike said no; it’s been difficult to rectify the situation with the cart but he thinks it was done today. Mike said he’s going to Windsor tomorrow to get information on setting it up and then we can put it wherever we want. Win asked Martha to share the Rush Meadow speed study results with the Police Chief.
- 11) Rush Meadow Road development – Upon the arrival of Randy Perry, the contractor for the bridge project discussed earlier in the meeting, Win asked him to work with Deb Shearer unless he has an issue he’d like to discuss. Randy said he has a time issue; he has the site opened up and it would only take one thunderstorm to create problems. Randy said he’d like the concrete guys to finish tomorrow and get out of there so he can stabilize the site; then they can stop and do whatever they need to do. If the Town is going to shut him down, Randy said, he’d like someone to explain that to Scott Jensen. Randy said he just needs to know what’s going to happen tomorrow because the cement guys have another job the next

day. Matt said the Town has a process; he's willing to go along with the Selectboard's decision but it's pulling the rug out from under the Zoning Administrator. Merle asked what's the point of having rules if they're not going to be observed. Merle said he may have no objection to the project but he can't make that determination because he hasn't seen any plans. Since none of this has been spelled out in advance, Merle said, it seems to him that you proceed at your own peril. Win agreed that if they pour tomorrow, they don't have local approval to put the bridge in, so it's at their risk. Win said he thinks it's likely that they will get a permit when they go through the procedure so he doesn't see what we gain by not allowing them to pour tomorrow. Brett asked if the process just involves paperwork. Win said no; it has to go before the Development Review Board. Merle said it also gets publicized to abutters. Brett said she is in favor of letting them finish pouring the other abutment. Brett said it's not setting a precedent. Matt said yes it is setting a precedent. Tom asked if the highway access application was publicly posted. Win said it was on the Selectboard's agenda. Tom asked why the DRB didn't ask about the purpose of the application. Win said we should have notified them at that point that they needed additional permits, and maybe we did. Martha said she'd have to look at the approval letter but we don't typically mention the need for other permits. Merle said in anything you do, if you violate the rules, you proceed at your own risk. Win said that's what they're doing. Merle said stop means stop. Win said in this case, the loss isn't just to the owner, it's to the public and the state because of the possibility of a washout from a storm. Randy said do what you have to do, and I'll do what I have to do. **Win moved to allow Randy to finish the next stage and do whatever cleanup is necessary, but to do no more work until he has gone through the public process with Deb as soon as possible and, depending on the decision of the DRB, he may then proceed. Brett seconded the motion, which passed with Matt opposed.**

12) Highway Foreman's report (continued) – Mike said mowing is continuing and the Hotel Road paving is going to happen at the end of August, after the Ragnar event. Mike said the Barton Road project is finished and he thinks the bill for the materials should be sent to the Conservation Commission. Mike said he would recommend that the groomer for the snowmobile club leave a depression. Win asked Mike to talk to Dennis Lemire. Win asked Mike if he knows when the state is going to mow Route 44. Mike said no; they contract that out. Matt asked if they can contract with the Town. Mike said no; our insurance won't cover that. Win asked if the state has removed the debris from under the bridge. Mike said no. Equipment: Win asked if the equipment is okay. Mike said we need to look at our capital budget again; the chloride trailer is not going to last much longer and the loader is showing its age. Win asked Mike to call him so they can update the capital budget. Sand pile: Win asked about the date for the DRB hearing on the town sand pile. Mike said the site visit is at 6:00 PM on August 6<sup>th</sup> and the hearing is at 6:30 PM. Mike said he has talked with Kenny Burke about the Town paying for trees on his property to shield him from noise.

13) Water & Sewer Utilities – Sign Cost & Effectiveness Certification form (sewer project): **Brett moved to authorize Win to sign the form. Matt seconded the motion, which passed unanimously.** Sign Fiscal Sustainability Plan Certification form (sewer project): **Brett moved to authorize Win to sign the form. Matt seconded the motion, which passed unanimously.** Approve signature of Step III engineering services agreement, subject to state review & concurrence (sewer project): **Brett moved to approve contracting with A+E to proceed with Step III on the sewer project. Matt seconded the motion, which passed unanimously.** Approve signature of Step III engineering services agreement, subject to state review & concurrence (water project): **Brett moved to approve signature of the Step III engineering services agreement for the water project. Matt seconded the motion, which**

**passed unanimously.** Sign Project Useful Life Analysis Certification form (water project): Win asked if this is the analysis that might allow us to get a longer loan term. Martha said yes; A+E determined the average useful life of the improvements to be 54 years. **Brett moved to authorize Win to sign the Project Useful Life Analysis Certification Form. Matt seconded the motion, which passed unanimously.** Title work for utility projects: Win asked if we have any idea how much this is going to cost. Martha said no; but Jim Barlow is pretty reasonable and if we don't get it done, we can't proceed with the projects. **Brett moved to authorize an amount not to exceed \$5,000 to have the title work done for both projects. Matt seconded the motion, which passed unanimously.** Generator maintenance contract for the water system: Martha said we get a 10% discount if we pre-pay for the work. **Win moved to approve the contract. The motion passed unanimously.** Consider repair/painting of water treatment building: Win said this was brought to our attention by P2 Environmental, our Water Operator. Win suggested deferring consideration until we have an estimate for the work. Matt said he thinks we should look at it. Win suggested that each Selectboard member look at it on their own time rather than having a meeting.

- 14) Battery Collection Bucket – Win said the Selectboard has been asked to authorize the placement of a battery collection bucket outside the entrance to the Town Hall. Cathy said there's already a battery collection box in the Town Hall, but nobody ever uses it. After brief discussion indicating general opposition to the idea, Win suggested putting a notice in Front Porch Forum reminding people that there's a battery collection box at the Town Hall. Speaking as the former Fire Chief, Mike said batteries should not be in a box and should not be inside the Town Hall because they could start a fire. Win asked Mike if he would rather see a bucket outside in the breezeway. Mike said yes. Tom said a bucket full of corroded batteries could be a public health risk and suggested that people take their batteries to the Weathersfield Transfer Station along with their trash and recycling. Matt agreed. Win said he thinks it would be nice to provide something as a public service and if the bucket is in the breezeway he doesn't really care as long as it's emptied, by someone other than Cathy, when it's one-tenth full. Matt said he's fine with that.
- 15) Justice of the Peace resignation – Win asked Cathy if the Selectboard needs to take any action, other than accepting the resignation. Cathy said the Governor may appoint a replacement from names recommended by the political party of the Justice who resigned. Tom said he is Chair of the party that Mr. Burke belongs to and they have found someone willing to serve out his term so their recommendation will go to the Governor. Win signed a letter thanking Gary Burke for his service.
- 16) Town Hall window replacement project estimates – Matt got a quote of \$5,495 for six Marvin windows and \$3,084 for six Pella windows, not including installation. Matt said he did not get any estimates on the door yet; that's going to be a separate supplier. For installation, Matt suggested using a local contractor for a not to exceed price. Win suggested a not to exceed price of \$2,700 for installation. **Win moved to authorize the purchase and installation of the windows for a total cost not to exceed \$8,200. Brett seconded the motion, which passed unanimously.**
- 17) June Police Report – No one had comments on the report.
- 18) Other Business – Car in Town Forest parking lot: Win said there has been a car parked in the Town Forest lot for quite a while with a note saying the owner is donating it to VT Public Radio. Mike said a wrecker came and got the car today. Glebe lot: Win asked if we're certain that we only have one Glebe lot or if we need to get an attorney to do a property search. Tom said there is only one Glebe lot. Martha said it's in the southeast corner of Town. Matt asked if it's included in the land covered by the conservation easement. Martha said yes. Win

suggested putting it on the agenda so the Selectboard can vote to retain ownership of the lands. Tree Warden update: Tom said he plans to have Rice Tree here for a week in late August at \$1,000/day, which is within the budget. Mike noted a tree on Coaching Lane Extension that needs to come down. Martha asked if the one on Bible Hill is on Tom's list. Tom said there are several on Bible Hill. Matt said he has cut down some trees on Bible Hill that have emerald ash borer. Martha told Matt he should report that. Matt said he just did and added that he cut one down last fall. Minor event permit applications: Win said the Town has received an event application for a private function, a wedding, with over 100 people. Win suggested an abbreviated process for small private functions like this, involving 200 people or less: The Chair would evaluate the application and decide whether it needs to come before the full Selectboard for approval or not. If not, the Chair would sign it and report back on the approval at the next meeting. Martha said at one point the Selectboard considered having a separate application procedure for weddings, which she thought was a good idea, but they didn't go through with it. **Win moved to authorize the granting of event permits for private events with an expected attendance of 200 or less by the Town Administrator, in consultation with the Chair.** Martha suggested consulting with Mike as well. Win said the applicant would still go through the process, so Mike would be consulted, this would just expedite the process. Mike said he is concerned about parking that blocks the road. **Brett seconded the motion, which passed unanimously.** Expired stormwater permit: Martha noted Chris Tomberg's recent email. Win said, in his opinion, Chris still has not demonstrated that he has the legal authority to mandate the creation of a new entity. Martha said the Regional Planning Commission (RPC) has funding available to help us mitigate the erosion observed at one or two of the outlet points. Win suggested inviting Chris Yurek from the RPC to a future Selectboard meeting. Martha offered to call the Vermont League of Cities and Towns (VLCT) and ask if the Agency of Natural Resources has the authority to mandate the creation of a new entity. Win agreed that Martha should do that.

- 19) Approve Minutes – **Brett moved to approve the minutes of July 8<sup>th</sup>. Matt seconded the motion, which passed unanimously.**
- 20) Adjourn – **Brett moved to adjourn at 8:04 PM. Win seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison