

WEST WINDSOR SELECTBOARD

Draft Minutes
January 18, 2011

Present: Glenn Seward, Tom Kenyon, Bruce Boedtke, Mike Spackman, Ashley Pakenham, Martha Harrison

- 1) Call to Order – Selectboard Chair Glenn Seward called the meeting to order at 6:00 PM.
- 2) Changes – Town Forest meeting, Coakley appeal
- 3) Corrections to town highway map: Duling Road – Tom said after reviewing the court decision concerning Duling Road, it appears that the westerly Class 3 section of the road is 0.43 miles and the Class 4 section beginning at Silver Hill Road extends to the west 0.60 miles. Glenn said he spoke with Johnathan Croft today and Johnathan said if the town is content with the mileage as indicated, then he is fine with that. **Tom made a motion to establish the town's total Class 3 mileage as 40.98 miles, the total Class 4 mileage as 4.46 miles, and the total Class 2 mileage as 5.931 miles. Glenn seconded the motion, which passed unanimously.**
- 4) Pakenham Agreement Regarding Unidentified Corridors – Glenn said he had several phone conversations today with regards to this agreement, including two conversations with Ted Siegler. According to Glenn, Ted feels that, if the road in question is an unidentified corridor, then the Selectboard needs to go through a certain procedure to discontinue it. Glenn said his position is that the town does not know if the road is an unidentified corridor or not. There was discussion about the requirements of the ancient roads legislation. **Glenn moved to sign the document titled Agreement Regarding Unidentified Corridors as presented to this board by Ashley Pakenham and her counsel and noted that the signature will fulfill the town's obligation as it relates to the Trail License Agreement between the Town of West Windsor and Ashley Pakenham dated 12/21/2010. Tom seconded the motion.** Ashley asked if Bruce and Tom are aware of the change that Tom Hayes made at Matt Birmingham's request. Glenn read the last paragraph which specifies that the existing Vermont Land Trust agreement remains in effect. Bruce said the Trail License Agreement states that "the Town of West Windsor shall initiate, in good faith, discontinuance proceedings..." and the Agreement Regarding Unidentified Corridors is contrary to that. Glenn said Ashley and her attorneys feel that the Agreement Regarding Unidentified Corridors will satisfy the discontinuance requirements of the Trail License Agreement. Ashley said her attorney and the town's attorney did not want to discontinue something that hadn't been proven to be an ancient road. Tom said he has researched court cases having to do with unidentified corridors and two essential elements needed to establish a road as a public highway are acceptance and adoption by the appropriate town authorities. Tom said he has not seen any evidence of the town accepting or adopting the unidentified corridor in question. Tom said he has found reference to "roads of convenience" which do not qualify as public roads. Tom also mentioned an article called "Finding Ancient Roads with Old Maps" by David Allen. Tom said the article suggests looking at the Walling or Beers maps as the simplest way to identify old roads. Tom said the "road" in question does not appear on the Beers map. Bruce said the Agreement Regarding Unidentified Corridors is an amendment to the Trail License Agreement and, for the same reasons, he is not going to sign it. However, Bruce added, he is looking forward to resolving this issue and moving on. **Glenn called for a vote on the motion, which passed with Glenn and Tom in favor and Bruce opposed.** Glenn, Tom and Ashley signed the Agreement. Ashley said she is a "trail person" and one of the purposes of the license agreement was to demonstrate that there are other ways to secure trails on private property. Ashley asked the Selectboard to encourage people to call her if they have questions about trail use on her property. Ashley asked Glenn for copies of the letters he received from other landowners in support of her position so she can thank them.
- 5) Certificate of Highway Mileage – The Certificate was considered in conjunction with Item #3.

- 6) Highway & Bridge Restrictions form – The Selectboard noted that there have been no changes so no action is necessary. Mike said everything that is posted is posted by the state.
- 7) Better Backroads grant requirements – Glenn noted that Better Backroads requires that the project be advertised for bid and that the contract be awarded to the “lowest responsive, responsible bidder.” Glenn said we should make sure that we solicit rates from contractors this year. Mike said he has reviewed the requirements with Jarrod and there are no issues with how we have awarded contracts in the past. Tom asked if “responsive” means that the contractor has to put in a bid; the contract can’t be awarded to someone who doesn’t bid. Mike said yes. Bruce said it should be done that way anyway. Mike said he thinks it’s acceptable to send a letter to contractors asking them to submit their rates if they’re interested in doing any work for the town. Glenn agreed but suggested formalizing the process a little if necessary (e.g. by sending the letter via certified mail). Glenn said he thinks the other grant requirements are fairly straightforward.
- 8) Extinguishment of Greenall Easement – Glenn said Matt Birmingham has reviewed the language suggested by Peter Helm at the Upper Valley Land Trust. Glenn said this document extinguishes the existing easement on the Greenall property to make way for a more carefully worded easement agreement, which will be forthcoming. **Bruce made a motion to authorize Glenn to sign the document on behalf of the Selectboard. Tom seconded the motion, which passed unanimously.**
- 9) Corinne Niles Trail Agreement with Rena Lustberg – **Tom made a motion to sign the Corinne Niles Trail agreement with Rena Lustberg dated January 1, 2011. Bruce seconded the motion, which passed unanimously.**
- 10) Consider revised Animal Control Ordinance (dog licensing section) – **Tom made a motion to table consideration of the ordinance until after Town Meeting. Glenn seconded the motion.** Tom said it appears more complicated than he originally thought and there’s not enough time to resolve all the issues right now. **Glenn called for a vote on the motion, which passed unanimously.**
- 11) 2011 Town Meeting warning – Glenn noted that Matt has reviewed the warning. **Tom made a motion to sign the 2011 Town Meeting warning. Bruce seconded the motion, which passed unanimously.**
- 12) Southern Windsor County Regional Planning Commission (SWCRPC) contract – Glenn said he asked the SWCRPC to submit a separate contract for the map and meeting work that they propose to do prior to town meeting. Glenn said the SWCRPC submitted a contract for \$1,200. **Tom made a motion to approve the contract between SWCRPC and the Town of West Windsor for the period from January 1, 2011 through March 7, 2011. Glenn seconded the motion.** Bruce said he assumes that the hours are estimated and that we will only be billed for the actual time spent. Glenn said yes. **Glenn called for a vote on the motion, which passed unanimously.**
- 13) Other Business - Town Clerk’s Orders: The Selectboard signed the Town Clerk’s orders. Town Forest Committee meeting: Glenn summarized last night’s Town Forest Committee meeting, and said there were 33 people in attendance, not including committee members. Everyone agreed that the meeting went very well. There was general discussion about the meeting. Coakley appeal: Glenn said he has heard from Matt that the Environmental Court is requiring mediation in the Coakley appeal and, although no date has been set for the mediation, the mediator will be John Springer. Small Claims Court: Glenn said he has no new information about the claim filed against the town in Small Claims Court.
- 14) Adjourn – **Glenn made a motion to adjourn at 6:48 PM. Bruce seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison