

WEST WINDSOR SELECTBOARD

Draft Minutes

May 10, 2010

Present: Tom Kenyon, Glenn Seward, Bruce Boedtger, Julia Hutchinson, Mike Silverman, Rick Fallon, Ashley Pakenham, Roy Moffitt, Bob French, Ralph Johnson, Mike Spackman, John Springer, Martha Harrison

- 1) Call to Order – Selectboard Chair Glenn Seward called the meeting to order at 6:30 PM.
- 2) Changes or Additions – trees, junk vehicles
- 3) Public Comment – Roy Moffitt from Hartland announced that he is running for Steve Adams' seat in the Vermont House of Representatives and invited people to contact him with questions or comments.
- 4) Town Clerk/Treasurer's Report – Liquor license: Cathy had a liquor license for the Pond House on Shattuck Hill Road. **Tom made a motion to approve the license. Glenn seconded the motion, which passed unanimously.** Sheddsville Cemetery deed: The Selectboard signed a cemetery deed for Mary Ann Johnson. Town Hall gardens: Cathy said she will call Bev Guter to come and weed the Town Hall gardens. The Selectboard agreed.
- 5) Sign Town Clerk's Orders – The Selectboard signed the liquor license and the Town Clerk's orders.
- 6) Application for Public Assembly: Vermont 50 Mountain Bike or Ultra Run – Mike Silverman was present on behalf of the Vermont 50. Mike Silverman had a letter from FAST Squad Director Nancy Gaynor to add to the application information. Mike Silverman said he still needs a letter from Constable Ralph Johnson. Ralph said he has no problem with the Vermont 50 but they need a decent map. **Tom made a motion to approve the application for public assembly by the Vermont 50 Mountain Bike or Ultra Run to be held on September 26, 2010. Glenn seconded the motion, which passed unanimously.** Mike Spackman said in the future he would like the Vermont 50 to provide pre-written approval letters for the Fire Chief, the FAST Squad Director and the Constable to sign.
- 7) Application for Public Assembly: VT 100 (VT Adaptive Ski & Sports) – Julia Hutchinson was present on behalf of the Vermont 100. Ralph said cars parked on Silver Hill and Bryant Road during the event make it difficult for a vehicle to get through and the Sheriff's Department needs to do a better job of keeping the traveled portion of the road passable. Julia agreed. **Tom made a motion to approve the application for public assembly for the Vermont Adaptive Ski and Sports event to be held on July 16 – July 18, 2010. Glenn seconded the motion. Bruce suggested that the motion be amended to specify that cars are to be kept off the traveled portion of the road. Tom accepted the amendment to the motion, which passed unanimously.**
- 8) Application for Public Assembly: Van Fleet (Bible Hill Road) – Donna Van Fleet was not present. Ralph said he has no problem with the application as long as there are no cars parked on the road. **Tom made a motion to approve the application for public assembly by Donna Van Fleet for a private wedding at 1073 Bible Hill Road from July 9-11, 2010. Glenn seconded the motion. Bruce suggested that the motion be amended to specify that there be no parking on the public road. Tom accepted the amendment to the motion, which passed unanimously.**
- 9) Application for Highway Access (agricultural): Fallon (Blood Hill Road) – Rick Fallon was present and described the location of the proposed access, which is past the Harley property on the left side of Blood Hill Road. Rick would like to run horse trailers through the field. Rick said there are some trees that need to be limbed and some brush that needs to be removed. Tom asked if the access would be used year-round. Rick said it wouldn't matter; he wouldn't go in or out in the winter. Rick said he doesn't think it would affect the plowing of Blood Hill. Glenn said Rick should make sure that the banks are back far enough for adequate visibility and that he doesn't plow snow across the road. Mike Spackman asked about the location of the culvert. Rick said the water will still go across the field, through the little ravine, and out the same way. Rick said he might have to put in a piece of pipe to extend the culvert. Mike said he hasn't looked at the site but he suspects that a driveway culvert

would be required. Bruce asked Rick if it would be a hardship for him if the Selectboard tabled the application until Mike Spackman has a chance to look at it. Rick said no. Tom and Bruce said they have not inspected the site yet either. Rick said the proposed location for the access is staked but he can shift it over either way if the Selectboard wants him to. Tom suggested that the Selectboard put the application on the agenda for their regular June meeting. Glenn said they could consider it sooner if any special meetings are scheduled. Bruce asked about the proposed 40' width of the access. Rick said his son-in-law, Jon Murphy, suggested that he make it 40'. Mike agreed that a 40' entrance is appropriate for horse trailers.

- 10) Hotel Road: Jon Springer – Jon Springer was present representing Orange Lake Resorts. Jon gave the Selectboard, the Zoning Administrator and the Highway Foreman a copy of Bob Farnsworth's "as built" survey of Hotel Road and said that Orange Lake would like the town to take over the road from its intersection with Ski Tow Road to its intersection with Sky Hawk Lane. Jon also provided copies of the statutes pertaining to the notice and inspection process. Jon said the process can be initiated by the Selectboard or by petition. Jon said his client is aware that the road is in rough shape from the parking lot entrance up to Sky Hawk Lane. Glenn asked when the right-of-way was transferred to Orange Lake from Snowdance. Jon said sections of the right-of-way belong to Orange Lake and sections belong to Snowdance. Jon said when Orange Lake bought the Windsor and Bennington buildings, some of that property crossed from the north to the south side of Hotel Road, and when they bought the Windham Building and the Fitness Center, other sections of the road were transferred to them. Jon said his understanding is that Steve Plausteiner (Snowdance) supports the idea. Tom asked about the speed limit on Hotel Road. Jon said he doesn't know the speed limit. Mike said he thinks the posted speed limit is 15 MPH. Tom said the sight distance has to be appropriate for the proposed speed limit. Jon said he believes that the existing driveways along the road have proper sight distances, but Bob Farnsworth could measure them. Tom said the existing sight distances will determine the maximum speed limit. Glenn gave Jon a copy of the ordinance pertaining to development roads. Glenn said the Selectboard will need to do a site visit with Mike to determine what information is needed. Bruce asked about the composition of the road base. Ralph said the road base consists of tree stumps and clay. Ralph said the town was asked to take over the road awhile ago, but they wouldn't do it. Glenn noted that Hotel Road lacks accommodation for pedestrians. Bruce asked about Orange Lake's time frame. Jon said Orange Lake would like a determination on the work that would need to be done in 4 to 5 months or less. Bruce said he doesn't think it would be unreasonable for the town to request an independent engineer's report on what needs to be done, at the applicant's expense. Glenn agreed. Jon suggested that the Selectboard look at it first so they can give the engineer some guidance. Bruce suggested that the Selectboard include the applicant's engineer in the first site visit. Glenn and Tom agreed. The Selectboard tentatively scheduled an initial site visit for May 20th at 9:00 AM at the intersection of Ski Tow Road and Hotel Road. Jon said he will let the Selectboard know if he can't line up an engineer for that date and time. The Selectboard agreed to have a second formal warned site visit and public hearing at a later date. Bruce said he would like to have written acknowledgement from Steve Plausteiner that he is on board with this. The Selectboard and Jon reviewed the names of owners and abutters who will have to be noticed for the formal inspection and hearing. Bruce asked if there are any existing or required stormwater or Act 250 permits. Mike said the town will need to know the location of all the utilities. Jon said he would rely on the survey and the engineer to locate the utilities.
- 11) Law Enforcement – Glenn said, in recent Executive Sessions, the Selectboard has been wrestling with how to contend with Ralph's impending retirement. However, Ralph's retirement has been put off until 2012 so there is additional time to get things in order. Glenn said the Selectboard has considered the Windsor County Sheriff's Department, the State Police and/or the appointment of a part-time certified Special Officer. Glenn said the latter idea is most appealing to the Selectboard because it provides a transition period for the Special Officer to work with Ralph. Glenn said the Selectboard is still working on the details, which would include budgetary concerns. Glenn said he hopes to have

more information by the Selectboard's June meeting. Glenn invited the public to call with any questions or concerns.

- 12) Town Constable/Delinquent Tax Collector's Report – Ralph had no report. Glenn said with regards to the talc plant, he got an email from Matt Birmingham saying that the bank has requested updated delinquent tax information for review at their Springfield, Massachusetts office. Ralph said he is going to start putting pressure on Snowdance to pay their delinquent taxes, which are over \$40,000.
- 13) Highway Foreman's Report – Mike said he needs permission from the Whittings for the Route 44 safety shoulder project. Tom said the state of Vermont owns the small section by Sykes. In that case, Mike said, he has all the required permission forms so they are just waiting for confirmation from the state. Mike said he is also waiting for final approval on the Brook Road bank stabilization project from Better Backroads. Mike said he is getting overlay paving bids from Blaktop and Pike Industries for the area from Gary Blake's property to Yodel Valley, and from the Cramer property to Knob Hill Road. Mike said when he gets the bids, he will need to meet with the Selectboard for approval so the successful bidder can get started. Glenn suggested that the Selectboard have a special meeting to review the budget and determine how to fund the Special Officer and the paving project. Mike said he doesn't want to spend more than \$50,000. Mike said summer grading has not started yet, but ditching is two-thirds done. Mike said Phil's truck is in the shop with an injector issue, which is under warranty. Mike said there are about 25,000-30,000 miles on the truck.
- 14) Bridge inspection summary reports - Mike said the bridge inspection reports look fine to him. Regarding the Best Bridge, Mike said the town knows the name of the company whose truck caused the damage. Ralph said the company would not provide the name of the vehicle operator. Glenn said the town has been forwarding all available information to our insurance company; the insurance company will pay Peter Ferick for the repairs and pursue reimbursement from Penske's insurance company. Tom asked about the bridge inspector's comment on the guard rails on the Rush Meadow Road Bridge. Mike said they don't have swing backs, but the problem will be addressed when the bridge is replaced. The Selectboard signed the bridge inspection report.
- 15) Beaver Brook erosion project estimate – Glenn said ANR Field Engineer Patrick Ross wants a sketch, including a cross section of the proposed slope armor. Tom said Donny Burke is an abutter and has no objections to the project. Glenn said Dan Lesnick has provided an estimate of \$1,630 to remove the two trees and rearrange the stones in the brook bed. Glenn suggested tabling consideration of the bid until the sketch is done and the permits are in place and then requesting a revised estimate.
- 16) Sheddsville Cemetery update – Tom said the snowdrift trees were planted. Tom said he talked with the Brownsville Cemetery Association about monuments that fall down. Tom said he suggested that the town buy 25 gravestones and store them in the bunker. Tom said the Schoens wanted to know about the access to Sheddsville Cemetery from their driveway. Tom said it appears that one entrance to the south side of the cemetery would be fine. Tom said the Schoens have already installed a culvert and some dirt. Tom said he told them that they need more dirt. Tom said David Silvester has volunteered to replace the Sheddsville Cemetery's upper gate.
- 17) Correspondence - Matthew Birmingham: Glenn said Matt's correspondence is in regards to West Windsor's law enforcement situation, and the outstanding taxes on the talc plant. Ralph asked for the address of the bank that holds the mortgage on the talc plant. Happy Canyon Landowners' Association (HCLA): Glenn noted receipt of a letter from HCLA in regards to some lot development issues by Louis & Bonnie Coakley on Sugarbush Lane. The letter is requesting that the Coakleys cease the development due to noise, unsightliness, view impacts, impingements on adjacent property, equipment left on HCLA rights-of-way and possible damage to roads and run-off which may impact ponds on association properties. Glenn noted that HCLA is requesting that the development cease and desist within two weeks of the letter dated April 23, 2010. Tom noted for the record that the only permit the Coakleys have is for a logging road. Bruce asked if the town has heard from the Coakleys. Glenn said no. Glenn said the Zoning Administrator issued a Notice of Violation, which was hand-delivered to the contractor and mailed to the Coakleys in Florida. Bruce asked if the contractor is still

working. Martha said yes. In addition, Glenn said, Matt Birmingham has sent the Coakleys a letter stating that he represents the town's interest in this matter.

- 18) Quarterly Budget Review – The Selectboard agreed to schedule a separate meeting to review the budget.
- 19) Other Business – Junk vehicles: Glenn asked if the Bowers Road right-of-way extends to Route 44. Tom said it does, according to the town map. Tom said the adjoining property owner has junk cars stored in the town right-of-way and on his neighbor's property. Tom said the Nilsons don't object to the town removing any materials that are on their property in the town right-of-way. Glenn suggested talking to the owner of the junk vehicles and offered to make the phone call. Bruce and Tom agreed. Tree Warden: Tom noted that Mother Nature took down most of the tree at the intersection of Silver Hill and Brownsville-Hartland Road and Tom had the rest of it removed. As Tree Warden, Tom inspected some trees on Elvin Kaplan's property in the highway right-of-way. Tom said his understanding is that CVPS is going to take them down. Tom said he also contacted CVPS about taking down a huge dead oak by Eliot Matteson's driveway. Sidewalk: Tom said the highway department will need to go pick up three pieces that are needed for the sidewalk and haul away the concrete. Glenn said there is a certified concrete dump in Hartford.
- 20) Approve Minutes: April 7, 2010 – **Tom made a motion to approve the minutes of April 7, 2010 as amended. Bruce seconded the motion, which passed unanimously.** April 12, 2010 - **Tom made a motion to approve the minutes of April 12, 2010 as amended. Bruce seconded the motion, which passed unanimously.** April 21, 2010 - **Tom made a motion to approve the minutes of April 21, 2010 as written. Bruce seconded the motion, which passed unanimously.**
- 21) Adjourn – **Bruce made a motion to adjourn at 7:45 PM. Tom seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison