

WEST WINDSOR SELECTBOARD

Draft Minutes
October 19, 2009

Present: Phil Arvidson, Bruce Boedtker, Tom Kenyon, Mike Spackman, Bob French, Ralph Johnson, Gareth Henderson, Jim Kenyon, Cathy Archibald, Bob Matthews, Martha Harrison

- 1) Call to Order – Selectboard Chair Phil Arvidson called the meeting to order at 6:30 PM
- 2) Changes or additions – library budget, ancient roads, tax sale, Development Review Board matter
- 3) Public Comment – None
- 4) Consider appointing alternate members to the Development Review Board (DRB) – Tom asked how the DRB will know when they're going to need an alternate. Martha said the DRB gets a copy of the application a few weeks ahead of time so, if one of them is a neighbor or relative of the applicant, they will know that when they see the application and will have enough time to notify the DRB Chair. Bruce said he thinks it's a good idea. Bruce asked Martha if the DRB members usually notify her when they are not going to be there. Martha said they usually do notify her. **Tom made a motion to appoint Jane Hoisington and Bruce Sahler as alternate members of the Development Review Board effective today. Bruce seconded the motion, which passed unanimously.**
- 5) Town Constable/Delinquent Tax Collector's Report – Ralph Johnson said that the last tax sale fell through when nobody showed up to bid on the property. Ralph said the town can either foreclose on the property or have another tax sale and advertise it more heavily. Phil said he doesn't think the town wants to foreclose. Phil suggested waiting until the current year's taxes are delinquent as well so when the town puts it up for sale again, we can collect the taxes for both years. Ralph said the town would have to wait six months unless we want to change the policy. Tom asked if the Delinquent Tax Collector puts a lien on the property if the taxes are not paid by the due date. Ralph said yes. Tom said his understanding is that, with a tax sale, the buyer is responsible for paying off any liens on the property. Ralph said the current owner would have a year to redeem the property even if it were sold at a tax sale. Phil said he would like to get Matt's counsel on this. Phil also suggested that Ralph bring in the current tax policy for the Selectboard to review at a future meeting. Phil said if the property goes up for sale again, it should be publicized much more widely and business brokers should be contacted. Cathy said the property can be sold for taxes after being delinquent for three months. Ralph said he is going to start tax sale proceedings on another property also.
- 6) Town Clerk/Treasurer's Report – No report.
- 7) 9-month Budget Review – Phil said he thinks both the town budget and the highway budget are in reasonable shape. Tom noted that the actual expenditure on tree removal will go up. Tom noted that the planned work on the town hall windows will not be done this year but there are a few other things that should be purchased for the town hall and he will come in with a formal recommendation at the next meeting.
- 8) Highway Foreman's Report – Mike said the highway department is doing late fall scraping. Mike said they still need a couple hundred yards of sand for winter. Mike said the Sky Hawk Lane project was more work than they thought it would be. Mike said the rented roller was helpful on the hills but damaged the flat areas of the roads. Mike said the roller was old and that may be why it didn't work very well. Mike said he's waiting for the paving company to confirm when they're going to do the work on the intersection of Cemetery Road and Brownsville-Hartland Road. Bruce asked Mike if he has worked with the McCullough's engineer. Mike said their engineer did visit the site and said all he cares about is the rough grade. Mike said the engineer had no comment on the headwall. Mike said the stumps of some of the trees that have been removed recently on Blood Hill, Rowe Hill and Cross Road need to be ground. Mike said it costs less than \$1,000 per day to rent a stump grinder. The Selectboard approved the rental by consensus. Tom

said that, as Tree Warden, he has sent letters to the owners of the dead trees that had to be removed along Bryant and Silver Hill Roads. Phil said it is better to remove the trees than have them fall on the power lines in the middle of winter.

- 9) Highway Access: Hathorn – Mike said there is plenty of sight distance at the proposed location. Tom said that, according to Martha, Phil Hathorn is considering an alternate location for the access. Mike said Phil Hathorn doesn't know what the DRB thinks about the two options yet. Phil Arvidson said the application only shows the existing entry with a branch to serve the new lot, so that's all we ought to talk about. Martha said Phil Hathorn also has to go to the DRB for subdivision approval. Martha said Phil Hathorn did mention an alternate access point and right-of-way along the stonewall on the east side of the property. Martha said he doesn't have quite enough frontage so he would need a variance from the DRB as well as Selectboard approval. Phil Arvidson suggested approving the application subject to the approval of the DRB. Tom noted that he is an abutter. Bruce asked if Phil Hathorn is going to be in a Catch-22 situation with each board requiring the others' approval. Martha said it seems like that's always a potential issue with access. **Bruce moved to approve the highway access application by Phil and June Hathorn at 211 Farm Road as shown on the sketch submitted with the application, subject to the approval of the DRB. Phil Arvidson seconded the motion, which passed with Tom abstaining.**
- 10) Better Backroads grant application – Martha said she and Mike are working on the application which is due at the end of next week. Mike said he is proposing a project on the Brook Road near Fran Cady's property. **Bruce moved to approve the submission of a grant application for the Brook Road project. Tom seconded the motion, which passed unanimously.**
- 11) Sidewalk project update – Tom said he asked the Vermont Department of Housing and Community Affairs if West Windsor could use whatever Community Development grant money is left, after the Grange Hall lift project is finished, to do some ADA work on the sidewalks. Tom said he got an estimate from Miller Construction for \$46,000, which includes the installation of crosswalks and fixing some accesses. Tom suggested modifying the project to make the ends of the sidewalk ADA accessible and to repair sections where the concrete is bad. Tom asked how much the Selectboard thinks is reasonable to spend on the project as modified. Jim asked if the funds could be used to repair the slate roof on the Town Hall. Phil said he doubts it. Tom and Cathy agreed with Phil. **Bruce made a motion to approve the expenditure of ADA funds from the Community Development Fund not to exceed \$15,000. Tom seconded the motion, which passed unanimously.**
- 12) Sheddsville Cemetery – Sexton Bob Matthews talked to the Selectboard about the possibility of moving some of the unsold burial lots adjacent to the right-of-way that runs along the east side of the cemetery. Bob said there is a 14' wide "road" to the west of the burial lots and suggested that the lots be moved there. Bob said he doesn't know if there are regulations that require roads in certain areas but Bob Farnsworth might know. After brief discussion, the Selectboard agreed to invite Bob Farnsworth to the next meeting.
- 13) Correspondence: Matthew Birmingham – Tom asked if helipads are covered in the zoning bylaws. Phil said he doesn't see the need for that under existing state law which requires town approval for helicopter landings. VT Dept. of Environmental Conservation (DEC) – Phil said the Selectboard received a letter about a failed septic system in the village and asked Martha for an update. Martha said she spoke with two people from the DEC today and, apparently, it's the water supply that failed not the septic system. Martha said that, many years ago, a new septic system was installed on the lot across the street but it was never connected and now the property owner is planning to install a new well and connect to the new septic system. According to Jeff Svec, Martha said, the owner is planning to jack and bore under the road to connect to the system. Martha reported that Jeff said he will suggest to the Permit Specialist that she generate a Project Review Sheet for this job. Phil said he hopes the Selectboard will be kept apprised of the situation. Bruce said the Selectboard should receive a copy of the permit when it's issued. Bruce said the existing permit for the replacement system is very old and the question is whether it

complies with today's standards but if it's grandfathered it doesn't really matter. Bruce said the Selectboard doesn't have any jurisdiction over it.

- 14) Other Business: Library Budget – Tom said the library is already spending next year's money due to the cost of fuel oil last winter so the library trustees have restricted the librarian to a couple hours a week through the first of the year. Ancient Roads – Tom asked about the status of the ancient roads research. Phil said the Conservation Commission (CC) plans to update the Selectboard at the Selectboard's next regular meeting and, once the Selectboard has the Conservation Commission's recommendations, they can decide how to proceed. Phil said there are some deadlines coming up. Tom said he received a complaint about the CC scouting someone's property for ancient roads without notifying them and he thinks property owners should be notified ahead of time. Phil and Bruce agreed. DRB compliance issue: Phil updated the Selectboard on a variance application that came before the DRB as a result of Martha's efforts to catch up with people who need Certificates of Occupancy for completed projects. Phil said the project in question was a set of stairs on a steep bank that were built too close to Beaver Brook. Phil said, after a site visit, the DRB determined that the stairs were well built and tearing them down would cause more disturbance to the stream than leaving them there. Phil said he proposed to the DRB that, if the applicant made a donation to the Fire Department or the FAST Squad, then a variance should be granted. Phil said he didn't think imposing a fine or tearing down the offending portion of the stairs was an appropriate remedy. Phil said, although the DRB agreed with his proposal, it turns out that it does not comply with state statute so they will have to reconsider the application. Phil apologized for the mistake and said he has spoken with Matt Birmingham on the issue and has suggested to DRB Chair Glenn Seward that he also consult with Matt. Tom asked if the stairway extends into the floodway. Martha said there is no floodplain there but the stairs are within the 50' stream buffer. Phil said people should build what they say they're going to build and, if they don't, there should be consequences. Bruce and Tom agreed.
- 15) Approve Minutes: September 11, 2009 – **Tom made a motion to approve the minutes of September 11, 2009, as written. Bruce seconded the motion, which passed with Phil abstaining.** September 15, 2009 - **Tom made a motion to approve the minutes of September 15, 2009, as written. Bruce seconded the motion, which passed with Phil abstaining.** September 21, 2009 - **Tom made a motion to approve the minutes of September 21, 2009, as amended. Bruce seconded the motion, which passed unanimously.** October 6, 2009 - **Tom made a motion to approve the minutes of October 6, 2009, as corrected. Bruce seconded the motion, which passed unanimously.**
- 16) Town Hall roof – Jim Kenyon said there are some tiles missing on the Town Hall's slate roof. The Selectboard agreed to get cost estimates on repairing the roof.
- 17) Adjourn/Sign Town Clerk's Orders – **Bruce made a motion to adjourn at 7:35 PM, subject to signing the Town Clerk's orders. Tom seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison