

WEST WINDSOR SELECTBOARD

Draft Minutes
April 13, 2009

Present: Phil Arvidson, Bruce Boedtke, Tom Kenyon, Martha Harrison, Cathy Archibald, Ralph Johnson, Jim Kenyon, Gareth Henderson, Mike Spackman, Hal Pyke, Alan & Louise Hudson, Bob French, Annie Burke

- 1) Call to Order – Selectboard Chair Phil Arvidson called the meeting to order at 6:30 PM.
- 2) Changes or additions to the agenda – Sheddsville Cemetery; Alarm System update – Jim Kenyon said that everything is done except for the state inspection.
- 3) Public Comment - None
- 4) Public Hearing to consider adopting an amendment to Section 4.12 of the West Windsor Zoning Regulations – Planning Commission Chair Hal Pyke explained that there is a problem with the proposed amendment because it only allows light industry in the light industrial/commercial district, but “light industry” is listed as a conditional use in the village district. Hal said the PC is recommending that the problem be fixed by defining the type of business that can take place in the village. Hal pointed out the additional change to Section 4.12 that the PC is now recommending. Hal said the PC is also recommending that “light industry” be removed from the list of conditional uses in the village district and replaced with “low impact non-residential use.” The Selectboard members were provided with a copy of the proposed standards (Section 4.24) for the latter. Tom asked if the recommendation regarding Section 4.24 was arrived at after the Planning Commission’s public hearing on Section 4.12. Hal said the PC would have another public hearing on Section 4.24. Alan Hudson said he and his wife Louise attended the Planning Commission’s April 8th meeting and were given a copy of Section 4.24, which addresses their concerns. Phil noted that Leland’s is an ideal business for West Windsor. Hal concurred. Hal said the PC is presenting Section 4.24 to the Selectboard tonight to get some feedback before proceeding with the public hearing process. Phil suggested that all the proposed amendments be taken up at the same time. Phil said he thinks the Selectboard is favorably inclined toward the amendments. Phil said he thinks the Hudsons did the town a favor by calling the inconsistency to their attention. The Selectboard agreed unanimously to defer action on the amendments until the PC has held their public hearings on both proposals.
- 5) Reappoint Town Forest Fire Warden – **Bruce made a motion to reappoint Mike Spackman as Town Forest Fire Warden. Tom seconded the motion, which passed unanimously.** Tom noted that the period of the appointment is from July 1, 2009 through June 30, 2014.
- 6) Town Office Computer System – Hal said Annie asked Tom Henderson for a quote on a replacement for one of the listers’ computers. Hal said there is plenty of money in the listers budget to replace the computer with another Dell and add a Maxtor one-touch backup system. Bruce said his IT person came up with a similar recommendation for Martha’s computer. Bruce said the Maxtor system has received good reviews. Hal said the total cost for the two computers, the backup system, and the wiring would be about \$2,500. Annie said these are just estimates and the listers’ do not have that much money in their budget. Annie said the listers’ could either switch to Comcast this year or go with Tom Henderson’s proposal to replace the computer. Annie said it’s not costing any less

to replace the listers' computer and Martha's computer at the same time. Phil asked Cathy if her system needs to be upgraded. Cathy said no. Tom asked about the budget for replacing Martha's computer. Cathy said the Selectboard didn't budget for that. Annie said the listers' computers are slow but they work fine. Hal disagreed. Phil asked Annie about their backup capability. Annie said they have two or three different ways to backup and she backs up at least every three months. Annie said she agrees that something needs to be done, but she wants to look into it before they make a decision. Bruce said he called Tom Henderson and Tom said the new computers would last for about five years. Bruce said he believes in giving people the right tools to do their job and a 7-year-old computer is like a boat anchor. Martha said she feels like the time she spends waiting for her computer to do whatever she just asked it to do is wasted time. Hal said he has a hard time getting on the internet and opening the NEMRC program because the satellite connection is as slow as dial-up for uploading information. Hal said the listers don't have hard disk back up on their main computer and the system is slow as molasses. Phil said he would be more comfortable acting on this if the listers were speaking with one voice. Annie said she thinks the Selectboard should decide if they're going to get Comcast or not. Annie said it would cost \$89.95 per month for all the town computers to be on Comcast. Cathy said it costs \$104.99 per month for the satellite system. Bruce said Comcast is much faster than satellite. Tom said he'd like the listers to iron out their differences and come back next month. Hal, Bruce, Mike, Jim and the Hudsons all agreed that their experience with Comcast has been good. Phil said he would like to see the listers come back with a proposal that they all agree on, that makes sense for Martha, and that includes Comcast as well as all the equipment and wiring needed. Annie said if the Selectboard is not going to go with Comcast, she was thinking that they'd go with Tom Henderson on the computers. Phil said if they're going to do it, they should do it all at once. Bruce agreed. Tom asked about software. Hal said Windows XP professional is part of the package. Hal said the state software won't be affected, but NEMRC and wi-fi are not fully compatible, which is one of the problems. Tom asked if there would be any additional software. Hal said Maxtor comes with its own software and there will be new security software. Phil said the Selectboard would like to see a complete proposal, including Comcast, next month. Phil said the Selectboard budgeted quite conservatively, so he's not concerned about going over budget on one line item.

- 7) Act 250 application: Omnipoint Communications (T-Mobile) – Martha said she has talked to a few people about it and they didn't seem concerned about the visual impact. Phil said he knows of no reason to oppose the application. Martha said the tower in question is the ETV tower. Martha showed the Selectboard a photo showing how the tower will look with the additional antennas. The Selectboard was not concerned.
 - 8) Town Constable's Report – Constable Johnson had no report.
 - 9) Town Clerk/Treasurer's Report – Cathy had a liquor license for the Selectboard to sign at the end of the meeting when they sign orders. Cathy said she asked Bill Stillson to come and rake the lawn. Cathy had something for Phil to sign in regards to Tom's appointment to the Solid Waste Committee. Cathy said she had a request from someone who wants to use the Town Hall for six Wednesdays for exercise classes. There was discussion about the amount of rent the town would receive compared to the town's liability exposure.
- Tom made a motion to deny the request. Bruce seconded the motion, which passed unanimously.** Cathy said she has not paid the Windsor Connection Resource Center the amount voted on at Town Meeting because she heard the Center is closing down. Phil said he would like to wait a few months and see what happens before they decide to send any money. The Selectboard agreed unanimously.

a. Quarterly budget review – Phil asked Cathy if she is concerned about any specific budget items. Cathy said no. Phil said “sand and gravel” and “repairs” were the only items on the highway budget that jumped out at him and we don’t have any choice about repairs; if a truck breaks, we have to fix it. Phil suggested that the town lock in a price for both heating fuel and diesel fuel as soon as possible. Bruce asked if there is anything that can be done to the town garage to make it more energy efficient because he thinks there is some stimulus money for that kind of thing. Mike said he would have to buy \$8,000 windows to get a \$1,500 rebate. Phil said the Selectboard should find out if the town can get grant funding for the Town Hall window and/or furnace projects. Tom and Bruce agreed. Hal said when the PC is finished updating the Town Plan, they should work with the Selectboard to develop a capital budget. There was brief discussion about the need for additional vault space.

- 10) Highway Foreman’s Report – Truck Repair: Mike said Phil Hathorn’s truck is in the shop because it had an antifreeze leak. Mike said the repair is covered under the warranty. Mike said his truck has to go in for some recall work when Phil’s truck comes back. Sand & gravel: Mike recommended that the town contract with D&D for winter sand and Casella for crushed gravel. Mike added that Casella is not always open, so they may need to get gravel elsewhere sometimes. **Tom made a motion to accept Mike’s recommendation, but authorize him to get material elsewhere when it is necessary or more economical. Bruce seconded the motion, which passed unanimously.** Equipment Rental: Mike said the Highway Department is in the process of grading the roads. Mike said they would like permission to get a price on renting a roller. Mike said renting a sweeper will cost about \$300. **Tom made a motion to authorize Mike to rent a sweeper. Bruce seconded the motion, which passed unanimously.** The Selectboard agreed unanimously that Mike is authorized to get quotes on renting a roller.
- 11) Discuss discontinuance/reclassification of town roads that only serve one residence – Phil said Martha estimated total highway expenses at \$13,200 per mile and state highway aid at \$1,780 per mile. Mike said Clough Road is .030 miles long, Prince Road is .090 miles long, Johnson Road is .080 miles long, and Bowers Road is .070 miles long. Tom said that’s a total of 0.27 miles. Phil said we’re spending more money on these roads than we would be giving up in state highway aid. Phil said some people may not be happy about reclassifying these roads but, in his opinion, the town is plowing private driveways. Phil said if the Selectboard decides to pursue reclassification, they will have to put those affected on notice. Bruce asked if one property owner owns both sides of the road in these four cases. Mike said for Johnson Road and Prince Road, one property owner owns both sides, but he’s not sure about Clough Road. For Bowers Road, Mike said, there is more than one property owner. Bruce said he would like the Selectboard to be consistent in pursuing, for example, only those roads with one owner on both sides of the road. Bruce said if there’s more than one owner, it’s not really a private driveway. Phil agreed and suggested that the Selectboard not pursue reclassification where there is more than one owner. Tom said that in some cases the property owner has access to alternate roads. Phil suggested deferring this issue until next month and getting specific information on mileage, # of owners, and alternate means of access. Bruce and Tom agreed. Bruce said he spoke with a Senior Staff Attorney from the Vermont League of Cities & Towns (VLCT) who said that the town has no liability in situations like this if they follow proper procedure.
- 12) Review highway access ordinance and application form – Phil suggested deferring this item until next month. Tom and Bruce agreed.

- 13) Town Hall – Cathy said she hasn't had time to get estimates on additional vault space. Tom asked if the windows should be "furred out" in order to accommodate one solid window rather than all the little windows. Phil said yes. Bruce agreed. Tom recommended having the frames painted and the glass glazed. Bruce and Phil agreed. Tom said the glass would be insulated, low-e, safety glass. Tom said he will report back at the next meeting.
- 14) Contract with Southern Windsor County Regional Planning Commission (SWCRPC) for work on updating Town Plan – **Tom made a motion authorizing the Selectboard Chair to sign the contract with the SWCRPC. Bruce seconded the motion, which passed unanimously.**
- 15) Draft 2009 Regional Plan – Phil said the medium density housing area shown on the regional plan map extends beyond what we have on our town plan map and he thinks it should be consistent with our town plan. Phil said he and Hal have brought the discrepancy to the attention of Jason Rasmussen. Hal said there is a public hearing on the regional plan on April 21st. Hal said West Windsor's town plan specifies that water and sewer should not be extended beyond the village and the regional plan suggests that water and sewer should extend out to Coaching Lane. The Selectboard agreed unanimously that Hal is authorized to represent the town in strongly voicing the Selectboard's opinion that the regional plan and map should be consistent with the town plan and map.
- 16) VLCT Identity Theft Prevention Policy – Phil said his understanding is that West Windsor is not required to adopt this policy because we do not have a sewer or water authority and we do not provide credit to people. Martha agreed that Phil's understanding is consistent with her research.
- 17) Policy re: Certificates of Occupancy – Phil said Cathy has indicated that attorneys are unhappy because, in some cases, our records do not show the granting of a Certificate of Occupancy. Phil said, according to VLCT, there is no legal requirement for the town to close the loop on this; the property owners have created the problem by not returning the form provided to them when the permit was issued. However, Phil said, it creates a problem for the property owner if they try to refinance or transfer title to the property. Phil said there are about 125 permits for which Certificates of Occupancy (C.O.) have not been issued. Phil suggested sending a letter to the property owners alerting them to the legal problems they may encounter if they do not have a C.O. Phil said he would also suggest waiting a few weeks and then inspecting the properties anyway whether the owner responded or not. Phil said he thinks this project should be completed over the next year. Tom asked if the issue goes with the property or with the owner. Phil said he thinks the issue goes with the property. Bruce agreed. There was discussion about the fact that the Listers and the Zoning Administrator both have to inspect the property, but that they inspect for different reasons and look at different criteria. There was discussion about the difference between Certificates of Occupancy and Certificates of Compliance. Phil said it is useless to grant a permit if the town is not going to follow up and make sure the applicant has complied with the permit. Martha said a permit expires if the applicant does not begin work on the project within a year of the effective date on the permit. Bruce said it is the individual's responsibility to follow through on the permit. Bruce said the state does not follow up on all the permits they issue so if there's a problem it isn't caught until the property is transferred. Bruce said, in terms of taxpayer dollars, how far should we go in making sure people are doing what they're supposed to do? Tom said he thinks most property owners that are lacking a C.O. are not aware of the situation. Phil agreed. Cathy said why waste postage on a letter if Martha has to go out and measure anyway. Cathy suggested that Martha just call the property owners. Phil said he thinks

the letter serves the purpose of making people aware of the possible consequences of not getting a C.O. Bruce asked how far back the permits go. Martha said some go back a few years. Martha said she only has 15 days to respond to a request for a Certificate of Occupancy, so if all the letters are sent out at once, it's possible that she couldn't respond to all of the requests in time. Tom suggested sending out the oldest ones first. Tom asked if there's a master list. Martha said she could create one. Jim said if the regulations require a C.O., then the town should enforce it. Phil agreed. Bruce asked what could be done in the future to get better compliance. Phil suggested highlighting the fact that the lack of a C.O. could affect the owner's ability to refinance or transfer the property. Bruce suggested that, after a year, Martha go out and look at properties for which permits have been issued. Martha suggested sending reminders out every spring. Tom said he would like to see the list. Tom said he would mention the issue in his column. The Selectboard agreed that Martha would come up with a list and do a test mailing to the ten oldest. Martha asked the Selectboard how they want to handle similar situations. For instance, Martha said, there are folks who have initial access approval who have never applied for final approval. Phil suggested wrestling with one problem at a time.

- 18) Correspondence – Mascoma: Phil said that Cathy can decide if she wants to change bank accounts. E-mail from Senator Sanders office: When the Selectboard has sufficient information, they will investigate whether they can get funding for energy efficiency upgrades to the Town Hall.
- 19) Other Business: Cemetery maintenance: Tom said he is waiting to hear from Bob Matthews what the wording is on the damaged stone. Tom said there are also some ash trees in the cemetery, along the stone wall, between the two gates, that need to come down. The Selectboard agreed that Tom should get a cost estimate. Solid Waste committee: Tom and Bruce agreed to discuss which one of them would go to the solid waste committee's annual meeting this Thursday.
- 20) Minutes – February 2, 2009: **Tom made a motion to approve the minutes of February 2, 2009 as written. Phil seconded the motion, which passed with Bruce abstaining.** March 16, 2009: **Tom made a motion to approve the minutes of March 16, 2009 as corrected. Phil seconded the motion, which passed unanimously.** March 31, 2009: **Bruce made a motion to approve the minutes of March 31, 2009 as written. Tom seconded the motion, which passed unanimously.**
- 21) Executive Session: Pending litigation & Personnel matter – **Bruce made a motion to enter Executive Session to discuss pending litigation and a personnel matter. Tom seconded the motion, which passed unanimously.**
- 22) Adjourn/ Sign Town Clerk's Orders – At 9:10 PM, following their discussion, **it was moved and approved that the Selectboard come out of Executive Session and adjourn, with no action taken, subject to signing the Town Clerk's orders.**

Respectfully submitted,

Martha Harrison