

## WEST WINDSOR SELECTBOARD

Minutes

February 22, 2010

Present at site visit: Bruce Boedtke, Tom Kenyon, Phil Arvidson, Mike Spackman, Len Clough, Barbara Gerstner, Glenn Seward, Hal Pyke, Sue Greenall, Karl Hanson, Dana Hastings, Tim Mello

Present at public hearing: Bruce Boedtke, Tom Kenyon, Phil Arvidson, Mike Spackman, Len Clough, Barbara Gerstner, Glenn Seward, Hal Pyke, Karl Hanson

- 1) Call to Order/Site Visit - Selectboard Chair Phil Arvidson called the meeting to order at the site of the proposed alteration to the intersection of Silver Hill Road and Brownsville-Hartland Road (parcel #5-106) at 3:00 PM. The Selectboard and the members of the public present at the site reviewed the proposed changes to the intersection, which include moving the bottom 100 feet of road to the west northwest. Following the site visit, the Selectboard adjourned to the Town Hall for a Public Hearing on the proposed alteration.
- 2) Reconvene/Public Hearing - Phil Arvidson reconvened the meeting at the Town Hall and opened the public hearing at 3:23 PM. Phil noted that, at the site visit, there was a question about whether the road should be left in its existing position and, if the road were moved, who would pay for the materials. Phil said he believes that the town is willing to provide the labor. Phil said, because the alteration will improve the value of the lot on which the house sits, he feels it is fair to ask the property owner to pay for the materials. Tom said the highway foreman has estimated the total cost of the project at \$2,000. Mike asked if hiring an excavator to remove tree stumps would be considered "materials" or "labor." Bruce said he thinks the material needed would be gravel and the town would provide the labor and equipment. Bruce noted that the property owner initiated this project when he submitted an application for a fence and, even though he thinks it will improve the intersection, it isn't a project that the town had planned to do. Therefore, Bruce said, he doesn't think it's too much to ask the property owner to contribute half the cost of the project. Phil said it was his understanding that the highway department would do the excavating with town equipment. Mike said the highway department would not do the stump removal or the stonewall removal. Phil asked how the removal would be done. Mike said the removal would be done with an excavator, which the town would have to hire. Phil said, in that case, the excavator work would be considered "materials." Bruce agreed. Phil said he is willing to contribute anything that uses town equipment or town labor; anything else should be paid for by the property owner. Bruce agreed; the project benefits both parties and there should be some cost sharing. Phil said there was a question at the site visit as to whether the Selectboard would delay their decision to give the Conservation Commission (CC) a chance to come up with an opinion on the project. Tom said the site visit and hearing have been posted for the legally required number of days. Bruce said the concept of preserving stonewalls and trees is good but, in this instance, he doesn't see much value in the trees or the stonewall. Bruce said the trees are mostly dead and he's seen better stonewalls than the rocks that are piled up there. Tom said it is his understanding that the maples on the same side of the road as the house will stay and provide shade and beauty. Barbara asked which trees would be removed. Tom said the two trees on Garrand's side of the road. As a resident of Cowshed Trail, Barbara said she thinks it's a good time to move the road but there is no need to widen the entrance. Barbara said if the owner doesn't pay for the excavator, she thinks it's going to cost the town a lot more than \$2,000 and she doesn't think that's a good use of taxpayer money. Len Clough said the maple trees on the house side are as close to the road as the ash that would be removed. Tom said the property owner removed one of the maple trees that was closer to the road. Phil said one question is whether the Selectboard should make a decision today or wait. Phil said he believes that Tom and Bruce are in favor of making a decision today and he concurs. Tom asked what would be the harm of moving the right-of-way and taking down the two trees but not moving the wall at this time. Bruce said, looking at the sketch, there's not much room on the house

side for future ditching or maintenance. Bruce said he thinks roads should be centered in rights-of-way. Phil agreed. Mike said right now the road is not even close to the center of the right-of-way; it's closer to the stonewall side of the right-of-way. Mike said the 50' right-of-way is currently two feet into the property owner's house. Bruce said the sketch shows the existing road somewhat centered on the existing right-of-way. Mike said the distance to the wall on the north side is only four feet. The Selectboard reviewed the Stipulations that were worked out between Highway Foreman Mike Spackman and the property owner's representative, Karl Hanson. Mike said "retain live wood" in Stipulation #6 means that the property owners want to keep the wood from the ash tree after it is cut down. Bruce asked Martha if anything else has to happen or if the proposal has to be reviewed by any other boards. Martha said since the proposal is to move the location of the right-of-way through the Medinger's land, there's no need to adjust the lot line. **Bruce made a motion to move the right-of-way and the traveled portion of Silver Hill Road, as shown on the sketch provided by property owners Wynn & Betsey Medinger (attached) and in accordance with the Stipulations for the Changing of Town R.O.W. at Intersection of Silver Hill Road and Brownsville Hartland Road (attached), with the town to provide town labor and town equipment and the property owner to provide a survey of the alteration, cover related legal expenses, and pay for non-town labor, materials and any equipment needed that is not owned by the town, for the purpose of increasing the conformance of the intersection with town and state (B-71) road standards. Tom seconded the motion, which passed unanimously.** For the record, Tom noted that the Selectboard received a letter from abutting property owner Joel Hale. Tom said Mr. Hale did not object to the project. Martha asked if Dana Hastings had mentioned the flood marker to the Selectboard at the site visit. Phil and Tom said yes. Phil said he looked at the Hale property and did not think Mr. Hale's suggestion was sufficiently tied to the intersection to make discussing it a part of this decision. Tom agreed that Mr. Hale's suggestion is not germane to the issue before the Selectboard today. Phil said he doesn't see what the town could do about the problem that Mr. Hale raised, which is that people throw cigarette butts out their car windows and he's afraid the barn might burn. Phil said it makes no sense to move the road. Tom said the town has not reground that section of road recently. Mike agreed. Tom said if the town ever has funds to reground that section of road, maybe the Selectboard could take Mr. Hale's suggestion into consideration. Phil noted that Mr. Hale has done some intelligent things to address the situation by paneling the bottom of the barn with non-flammable material and screening the windows.

- 3) Changes or Additions – Planning Commission (PC) resignation: Hal said Joe D'Anna has resigned from the PC so there is a vacancy on the Commission. March 8<sup>th</sup> agenda: Tom asked Martha to begin drafting an agenda for the Selectboard's first regular meeting in March. Medinger Fence: Len Clough asked what type of fence the Medingers would like to put up on their property. Glenn said the Medingers applied to the DRB for a three-board fence. Karl Hanson arrived and Phil explained the Selectboard's decision. Karl asked if the property owner would just be paying for gravel. Bruce said if the town has to hire any equipment, materials or outside labor, the property owner would have to pay for it but if Karl has the necessary equipment, and he can work it out with Mike, that's fine. Mike said if Karl has equipment that can move the stones, that's fine, but they will still need an excavator to remove the stumps which will probably cost about \$500 for half a day. Karl asked if he can get something in writing to show the Medingers. Phil said Martha will write up the minutes of the meeting.
- 4) Adjourn/Sign Orders – **Tom made a motion to adjourn at 3:50 PM, subject to signing the Town Clerk's orders and the revised Conditions of Employment policy to add two holidays as previously approved by the Selectboard. Bruce seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison