

WEST WINDSOR SELECTBOARD

Minutes

July 13, 2009

Present: Phil Arvidson, Bruce Boedtke, Tom Kenyon, Martha Harrison, Cathy Archibald, Ralph Johnson, Mike Spackman, Hal Pyke, Jim Kenyon, Dennis Lemire, Dave Halpert, Bob Matthews

- 1) Call to Order – Selectboard Chair Phil Arvidson called the meeting to order at 6:30 PM and noted with sadness the passing of Larry Garrand, who served the town well as Second Constable for many years.
- 2) Changes or additions to the agenda – Sheddsville Cemetery, liquor license
- 3) Public Comment – None
- 4) Highway Access: Bailey – Phil noted that the Selectboard met with Larry and Dawn Bailey at 5:30 PM today and agreed on an access point for their property that will be defined in a letter to them within the next week. **Bruce made a motion to grant initial highway access to Larry and Dawn Bailey for tax map parcel #4-53 at the corner of Sheddsville and Rush Meadow Roads, subject to the conditions discussed at the site visit. Tom seconded the motion, which passed unanimously.**
- 5) Final Highway Access: Ferick & Mason – **Tom made a motion to grant final highway access to Peter Ferick and Virginia Mason for tax map parcel #5-14.2 on Bible Hill Road. Bruce seconded the motion, which passed unanimously.**
- 6) Public Assembly application: Hathorn – Ralph said he doesn't have a problem with the application as long as the music is shut down at 10:00 PM. **Tom made a motion to approve Phil Hathorn's application for public assembly for a wedding at 211 Farm Road with the conditions noted in the application. Bruce seconded the motion, which passed unanimously.**
- 7) Public Assembly application: VT 50 Mountain Bike or Ultra Run – Ralph said the Town has never had any problem with this event. Phil said he thinks they ought to have a rain date for this event because, when the trails are wet, they make a mess of them. **Tom made a motion to approve the application for public assembly for the Vermont 50-mile bike and ultra run on Sept 26th and 27th 2009 at Ascutney Mountain Resort. Bruce seconded the motion, which passed unanimously.**
- 8) Cross Woodlot: Dennis Lemire – Dennis said he talked to Town Forest Committee Chair Kenny Burke about his request to cut firewood in the town forest and Kenny said it's in the hands of the Selectboard. Dennis said he sent the Selectboard a letter on the subject about a year ago. Dennis said when he was Chair of the Town Forest Committee they had a firewood cutting program and he would like to see it reinstated. Dennis said he has the expertise, the insurance, and the equipment to cut his own wood up there. Dennis said it has been a long time since the Cross Woodlot was logged and there are many mature hardwood trees that could be harvested. Phil said, as he recalls, the Selectboard referred Dennis's letter to the Town Forest Committee and never heard back from them. Phil said he thinks there ought to be a plan by a forester. Dennis said when he was chair the committee paid a forester to develop a plan for the entire parcel, but no one can find a copy of the plan. Bruce and Tom agreed that there should be a plan. Dennis suggested contacting the County Forester and asking him to mark which trees can be cut. Phil suggested that the Selectboard draft a letter to the County Forester outlining what they'd like him to do and send a copy to the Town Forest Committee letting them know that the letter will be sent in two weeks unless the Selectboard hears from them. Bruce agreed. Dennis said there is a surveyed right-of-way access to the Cross Woodlot off Kimball Farm Road, across Marie Johnson's property. Tom agreed.
- 9) Discuss Subdivision Regulations & Schedule Public Hearing – Hal said no one showed up at the Planning Commission's public hearing on the subdivision regulations but the PC voted to pass the regulations on to the Selectboard for their consideration and public hearing. Hal said, at a

subsequent meeting, the PC agreed to recommend a minor amendment to the Subdivision Regulations. Hal said the amendment would be the insertion of a paragraph on informal review, which Hal read aloud. Hal outlined the advantages of informal review and said that Manchester and Norwich have found informal review very helpful. Phil said in the past there have been requests by parties to meet with one or more members of a board and informally discuss what might result in an application. Phil asked if the informal review would replace that type of discussion. Hal said yes. Hal said this is a small town, so there are bound to be conversations between board members and applicants. Hal said we don't encourage that, but if applicants know they have an opportunity for informal review with the complete board then it carries more weight. Phil said presumably if a request for a one-on-one discussion came in, the DRB would suggest that they avail themselves of the opportunity to do this. Hal said yes and said the Zoning Administrator can also make people aware of this opportunity. Bruce asked if the review would be with a quorum of the DRB. Hal said yes and added that the review would take place at a warned public meeting. Phil said on the one hand we live in small town where we try to talk to each other in an informal fashion. On the other hand, with a large project, there can be an awful lot of finger pointing. Tom suggested that the DRB Chair also sign the Memorandum of Understanding. Mike suggested that the Vice Chair sign in the Chair's absence. The Selectboard agreed. **Tom made a motion to include in the Subdivision Regulations the paragraph on informal review, including the requirement that both the DRB Chair, or Vice Chair, and the applicant sign the Memorandum of Understanding. Bruce seconded the motion, which passed unanimously.** Tom said he has some questions about the Subdivision Regulations that he would like to ask the Planning Commission. Tom asked if the PC is meeting in August. Hal said yes. There was discussion about whether the Selectboard should schedule their public hearing for August or September. Tom asked if the regulations go into effect as soon as the Selectboard warns a public hearing. Martha said yes. Tom said he has questions about some of the design standards, including the sections on Ridgelines and Forest Land & Trees. Dennis said Quechee has strict limits on cutting trees. Phil said his understanding is that the subdivision regulations would not prevent an individual landowner from cutting trees on his own property, but would apply if a developer were proposing a 10-lot subdivision. Hal agreed. Bruce said it's a tool the DRB can use if something's really out of whack. Bruce said he doesn't think the town would use any of the standards to the extreme. Hal agreed. Bruce said the standard is subjective, which is fine if there are reasonable people on the board. Phil said the Selectboard has some control over that. **Tom made a motion to warn the Selectboard's public hearing for September 14th at 6:30 PM.** Phil asked if copies of the Subdivision Regulations have been sent to the Ascutney Mountain Resort (AMR) and Orange Lake. Hal said no. There was discussion about scheduling an informal question and answer session at a special meeting prior to the Selectboard's public hearing. Tom said the subdivision regulations should specify that subdivision review hearings have to be warned in the town's newspaper of record. Martha said there is no process for an informal public hearing so she sees the potential for problems. Phil said it is the Selectboard's scheduling of a public hearing that triggers the 150-day review period, but if the PC invited further informal discussion, it wouldn't trigger that. Martha agreed but said it would be unusual and might muddy the waters. Hal said the Selectboard can hold a public hearing and ask the Planning Commission to be present to answer questions. Phil said Tom would have the opportunity to ask his questions at the Selectboard's public hearing. Bruce said that would be cleaner. Phil suggested that the Selectboard go beyond the statutory notice requirements and send copies of the subdivision regulations to AMR and Orange Lake. **Tom made a motion that the Selectboard schedule a public hearing for August 10th at 6:30 PM to consider the adoption of the Subdivision Regulations, which have been proposed to the Selectboard by the Planning Commission, including the additional paragraph on informal review. Bruce seconded the motion, which passed unanimously.** The Selectboard reviewed the public hearing notice requirements.

- 10) EC Fiber – Phil asked Dave Halpert if he has an update on EC Fiber. Dave said since the collapse of the financial markets last fall, EC Fiber has been working hard to develop an alternative financing proposal, involving the Rural Utilities Commission. Dave said they will need a letter of support from the Selectboard. Phil asked Dave if he would draft the letter of support. Dave said they need the letter by August 10th. **Tom made a motion to authorize the Chair to sign a letter of support to EC Fiber after the Selectboard reviews it. Bruce seconded the motion, which passed unanimously.**
- 11) Town Constable's Report – Ralph said he would like the Selectboard to have an agreement with Lucy MacKenzie about the care of abandoned animals. Phil agreed. Ralph said we need the names and phone numbers of the contact people. Phil said he will call Linda Ley and find out how to go about it. Phil asked Martha to remind him to call Linda Ley and to draft a letter to the County Forester regarding the woodlot. Ralph said a few years ago someone went and cut a lot of nice trees in the woodlot and the Selectboard asked Ralph to go up there and tell him to stop. Bruce said there needs to be a management plan for the woodlot. Jim asked if West Windsor residents would be the only ones allowed to cut wood. Phil said yes. Phil added that the town has to be sure that anyone cutting wood has the competence to do so. There was brief discussion about the results of Ralph's efforts as Delinquent Tax Collector.
- 12) Town Clerk/Treasurer's Report – Cathy had orders and a liquor license for the Selectboard to sign at the end of the meeting.
- 13) Review and adjust or confirm tax rate – **Tom made a motion to confirm a municipal tax rate of 28 cents. Bruce seconded the motion, which passed unanimously.**
- 14) Highway Foreman's Report – Mike said the telephone cables have been moved so the highway department can start the Sheddsville bank stabilization project after the roadside mowing is finished at the end of the month. Mike said the highway department will also be ditching. Mike said he would like to rent the roller again in the fall. Mike said the roller worked well on Duling Road and he thinks it will make a big difference on the hills.
- 15) 2010 Transportation Enhancement grant – The Selectboard talked about whether or not to apply for a grant to extend the sidewalk out to the Post Office. While the Selectboard members agreed that they would like to extend the sidewalk, they were reluctant to invest the time and effort that the complex application process requires and questioned the likelihood that a small town like West Windsor would receive funding. Phil said the extension would be about two-tenths of a mile and asked Bruce if he could estimate the cost. Bruce said he could. Phil said, depending on the cost, it might be possible for the town to fund the project itself over several years. Tom suggested widening the road as an alternative to installing a sidewalk. Bruce suggested using asphalt rather than hard pack. **Tom made a motion to table consideration of applying for a 2010 Transportation Enhancement grant. Bruce seconded the motion, which passed unanimously.** Mike noted that he has not heard anything about the town's paving or bridge grant applications.
- 16) Town Hall windows – Tom asked the Selectboard if they want the windows painted before the new windows are installed. Jim suggested that the Selectboard get some estimates from some painters. Phil suggested that the east windows be done this year and the west windows be done next year. Phil agreed that the painting should be done first. Bruce agreed also.
- 17) Grange Hall accessibility project update – Tom said the quote for the lift from Allways is \$22,262 and the historical society is waiting for a quote for the carpentry work from Kevin Weeks.
- 18) Correspondence: Steven Sinclair (Forest Legacy Program) – Phil said he can't see any reason to opt out of the program. Phil suggested that the Selectboard pass the letter on to the Town Forest Committee. Jay Maciejowski (Forestry District Manager) – No discussion.
- 19) Other Business – Tom said CVPS has inspected the trees that need to be removed by the Sheddsville Cemetery, estimated the cost of the project at \$1,200, and asked if the town would contribute \$600. **Phil made a motion authorizing Tom to deal with CVPS and split the cost of tree removal in the vicinity of the Sheddsville Cemetery on Cemetery Road with the town's**

share of the cost of the project being approximately \$600. Bruce seconded the motion, which passed unanimously. Cemetery lots near right-of-way: Tom suggested that the Selectboard consider not selling the cemetery lots that are immediately adjacent to the right-of-way for parcel #5-125.2. Phil said it should be left up to the purchaser whether he or she wants to buy a grave site right next to the right-of-way. Phil asked if the Selectboard is the only governing body for the Sheddsville Cemetery. Jim said yes. Phil said prospective consumers should be fully informed, but it should be their decision. Jim said Wesley Alexander drew up some guidelines for the cemetery a few years ago, when Annie Burke was on the Selectboard, but he doesn't know whether the guidelines were ever adopted. Phil asked Cathy to ask Annie if she knows where to find a copy of the guidelines. Cathy said if you buy a lot in Sheddsville Cemetery, you just get a deed. Tom suggested that the Selectboard get a copy of the Brownsville Cemetery guidelines and use those as a template for the Sheddsville Cemetery. Phil agreed and asked Tom, Jim and Bob Matthews to come up with a draft to be added to the Selectboard's agenda whenever they're ready. Jim said there should be a water tank at the Sheddsville Cemetery. Education tax error: Dave Halpert asked about the \$300,000 mistake that was documented in the paper. Tom said it was a misunderstanding about how much money was owed to the state for education tax. Cathy said the state told her that the final payment was going to be "net of" the \$349,000 so she was planning on paying \$575,000, but when she got the bill it was for \$926,000. Cathy said it was a misunderstanding between the town and the tax department. Dave said the way it was presented in the article it was hard to tell whether it was a town issue or a school issue. Tom asked why the school didn't realize that the number in the town report was not correct. Dave said the school board approves the school budget not the tax number. Tom said it's not the tax number, it's the amount that was spent on education. Dave said his complaint is that the article implied that the school board or the superintendent did something wrong, but they had nothing to do with it. Phil said the Selectboard and the Town Treasurer should discuss tax issues with any interested tax payer, but how it is reported in the press is not something the Selectboard controls and he doesn't want to get into that. Phil said he has suggested to Cathy that, in the future, she confirm tax information back to the state in writing. Dave requested that town officials communicate issues of this type to the representative bodies before it's reported in the press. Cathy said she didn't know about it until she got the tax bill from the state in May. Cathy added that it's a town issue not a school issue.

- 20) Minutes: June 8, 2009 – **Tom made a motion to approve the minutes of June 8, 2009 as amended. Bruce seconded the motion, which passed unanimously.** June 15, 2009 - **Phil made a motion to approve the minutes of June 15, 2009 as written. Tom seconded the motion, which passed with Bruce abstaining because he was not present.** June 29, 2009 – **Bruce made a motion to approve the minutes of June 29, 2009 as written. Phil seconded the motion, which passed with Tom abstaining because he was not present.**
- 21) Adjourn/ Sign Town Clerk's Orders – The Selectboard signed a document authorizing the Town Clerk to collect current taxes. Cathy notified the Selectboard that she has an outside alcohol consumption permit for Orange Lake, which does not require their signatures. Cathy also had orders for the Selectboard to sign. **At 8:10 PM, Phil made a motion to adjourn, subject to signing the Town Clerk's orders. Tom seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison