

WEST WINDSOR SELECTBOARD

Draft Minutes
January 11, 2011

Present: Glenn Seward, Tom Kenyon, Bruce Boedtke, Mike Spackman, Cathy Archibald, Hal Pyke, Ashley Pakenham, Merle Bushkin, Martha Harrison

- 1) Call to Order – Selectboard Chair Glenn Seward called the meeting to order at 6:30 PM.
- 2) Changes – Town Hall floor project, Small Claims Court filing, January 5, 2011 minutes
- 3) Sign Town Clerk's Orders – The Selectboard signed the Town Clerk's orders.
- 4) Update on Pakenham License Agreement – Glenn said there has been a draft agreement generated and he has just received a copy. Glenn suggested making sure that the agreement is available to the public prior to signing it. Ashley said the document supports the trail license agreement and has been reviewed and approved by Paul Gillies, Matt Birmingham and Tom Hayes. Glenn said the town does not need to go through the usual discontinuance procedures because there is no acknowledgement that there is an ancient road on Ashley's property. Bruce asked if the Conservation Commission (CC) has seen this. Glenn said not yet. Ashley asked if the CC has to approve it. Glenn said no; the Selectboard has to approve it. Glenn said it was assumed that there would be a public hearing process for the discontinuance but, since we have not acknowledged that there is a road, we can use this simplified agreement instead. Ashley said the lawyers all agreed not to call the document a "discontinuance" because the road had never been established. Ashley said the document simply states that the town will not pursue any further public roads or rights-of-way through her property. **Tom made a motion to approve and sign the document.** Glenn expressed reservations about signing the document when it has not been made public. Glenn said the CC and others are expecting discontinuance proceedings and he doesn't want to sign it before they have had a chance to read it and express their opinions. Bruce agreed. Ashley asked how many people were at the December 21st meeting. Glenn said four. There was discussion about the tenor of that meeting, the concerns that were expressed, and the need for good communication between trail users and land owners. **Tom withdrew his motion.** The Selectboard agreed to meet on January 19th at 6:00 PM to consider approving and signing this document [*The meeting was later changed to January 18th at 6:00 PM*] and to address several highway issues. Glenn said he will contact everyone so they know what's going on.
- 5) Public Comment – Ashley said she is looking forward to the upcoming Town Forest Committee meeting. There was general discussion about the Town Forest.
- 6) Town Clerk/Treasurer's Report – No report
- 7) Consider adoption of 2011 budget – Glenn said the Selectboard is trying to level fund the budgets. Glenn noted that health insurance costs went up by almost 13% and the Selectboard is looking into alternatives to the current insurance policies for next year. Merle asked if it's likely that there will be a lot of tax appeals. Glenn said the Selectboard is concerned about that but they'll have to wait and see. Glenn said there was a surplus in 2010, which the Selectboard has earmarked for the repair of the library roof, the town forest plan, and hopefully a 1¢ reduction of the tax rate. Glenn said the surplus in the 2010 highway budget gets rolled over. **Tom made a motion to accept the proposed 2011 budget noting proposed general expenditures of \$363,540 and proposed highway expenditures of \$534,300, for a combined total of \$897,840, with \$683,577 to be raised by taxes and \$214,263 to be raised by non-tax revenues. Glenn seconded the motion, which passed unanimously.**
- 8) Town Constable/Delinquent Tax Collector's Report – No report.
- 9) Planning Commission (PC) progress report on revision of zoning regulations – Hal said the PC has only been working on the Zoning Regulations for a few months. Hal said the PC has a list of 30 concerns about the regulations and they have discussed and resolved 10 of them. The purpose of revising the bylaws, according to Hal, is to make sure that they conform with the Town Plan and to provide clarity. Hal said some of the issues are straightforward but some are complicated.

Hal said the PC hopes to complete the revision by September. Hal said because Vermont is a “Dillon’s Rule” state, towns can only do what they are authorized to do by the state. Hal said the PC is going to try to schedule two meetings per month in order to complete the bylaw revisions by late summer or early fall. Glenn offered to have the Selectboard host two zoning forums so the PC can focus on the known issues. Hal noted that the PC’s meetings are open to the public. Tom said it is not the town’s job to enforce state and federal regulations; it’s up to the applicant to obtain the proper permits. Tom said he thinks applicants should have their state and federal permits in hand before they try to get a local permit. Tom also suggested that the PC have a public comment period at the beginning of each meeting, and expressed concern that our bylaws don’t reflect our recently adopted Town Plan. Tom said it doesn’t make sense to give someone a zoning permit if they can’t meet the septic regulations. Martha said until last year, towns were not allowed to hold up a zoning permit pending receipt of a state septic permit. Martha added that the legislature changed that law late last session, so now towns can require applicants to get their septic permits first. Tom asked what the purpose is of prohibiting slopes over 15% within 100 feet of a property line. Tom said as long as the use of the adjacent land is not degraded, he doesn’t see what the problem is. Glenn agreed that he thinks it’s extreme. Tom said he is also concerned about “undisturbed” vegetated buffers. Glenn said Martha has some examples of more lenient stream buffer regulations from other towns. Bruce said the state requires different buffers for different streams. Bruce said the town might consider simply requiring applicants to meet state requirements and not imposing additional requirements. There was discussion about the complexity of the new state requirements and how difficult it can be for the average person to comply. Bruce said with budget and staffing cuts, he doesn’t see how the state is going to administer the regulations that they already have. Bruce said buffers are measured from the top of the bank and it’s often difficult to determine where that is. Hal said the PC’s goal is to make the regulations as simple as possible. Glenn said Tom Kennedy’s recommendation is to make the regulations as clear as possible and then move on because there is an appeal process.

- 10) Consider revised Dog Ordinance – Tom said he is proposing rabies clinics at the fire department on February 26th and March 6th from 9:00 AM to 1:00 PM. Tom said the revised dog ordinance proposes a \$25 penalty for dogs not registered on or before April 1st. Martha said she thinks the Selectboard has to sign the revised ordinance in its final form, which they could do next Wednesday, and then post it and publish it. Tom suggested checking with Matt.
- 11) Schedule special meeting to discuss highway issues - The Selectboard agreed to meet next Wednesday at 6:00 PM to consider these matters. Mike Spackman said he is not sure about his availability next Wednesday. There was discussion about the disagreement between the town and the state with regard to the Duling Road mileage.
- 12) Highway Foreman’s Report – Accident: Mike said he ran into a pick-up truck with his wing on Saturday afternoon and a claim is being filed. Mike said the pick-up was parked on the road. Truck prices: Mike said he is getting prices for the new highway department truck, which will replace the 2006 truck. Glenn asked Mike if he plans to buy a new truck next year too. Mike said no. Sign inventory: Mike said the field work for the sign inventory is finished and now the information has to be entered onto the computer. Mike said signs are missing from: Queen Victoria Road, High Ridge Road, Mountainside Drive, Kings Highway, and Cross Road. Mike and the Selectboard discussed strategies for preventing future sign thefts. BMPs: Mike said he hasn’t heard anything about a final meeting on Best Management Practices (BMPs) and it’s too late now. Emergency Funds: Mike said the town got 90% of its grant money from the first set of bills submitted. DHART landing: Glenn said he got approval today for the town to plow the portion of the Resort parking lot that is designated as a DHART landing.
- 13) Greenall easement update – Glenn said he gave Matt the suggested documentation for extinguishing the existing Greenall easement from the Upper Valley Land Trust (UVLT). Once the original easement is extinguished, Glenn said, the UVLT can come up with new wording that’s a little broader.

- 14) West Windsor Repeater update – Mike said the repeater and the box were mounted today and Joe Truss is coming Thursday or Friday to mount the antenna and then we just have to run the wire.
- 15) Fire District update – Glenn said he attended a meeting today at Matt’s office with Todd Enright, Chris Dugan and Nate Stearns to begin dialogue about the transfer of the water and sewer systems to the Fire District. Glenn said Todd has contacted Pathways Consulting to do an RFP for the evaluation of the systems. Glenn said there will be a two-week comment period before a consultant is selected to do the evaluation. Glenn said it appears that the property owners are on board now. Glenn said he participates in a regular conference call with all the parties every Friday morning. Tom asked if Windsor is involved. Glenn said no; he thinks we should get our own house in order before we bring Windsor into the mix.
- 16) EC Fiber update – Tom said the Selectboard’s conversation with John Bartholomew went well. Tom said he and Glenn told John that they still think EC Fiber is the best alternative for West Windsor. Glenn said EC Fiber is still working on obtaining funding.
- 17) Wastewater Committee update – Glenn said there is a meeting tomorrow at 10:00 AM for all the engineering consultants who were sent an RFP: Leach Engineering Consultants; Aldrich & Elliott, P.C.; Stone Environmental, Inc.; Phelps Engineering, Inc.; Dufresne Group; Engineering Ventures, P.C.; and Bruno Associates.
- 18) Consider completing town forest survey work – Glenn said the Selectboard received a \$25,000 proposal from Bruno Associates to complete the town forest survey work. Glenn said, given the budget situation, he thinks we should consider the proposal for 2012. Tom and Bruce agreed.
- 19) 2011 Town Meeting warning – Glenn said Matt Birmingham is working on a couple of the articles so, hopefully, the Selectboard can consider the warning at their next meeting.
- 20) Other Business – Small Claims Court: Glenn said the document went in today. Town Hall floor: Tom said the work will probably start next Tuesday or Wednesday. Tom was granted permission to rent the sander and other equipment. Glenn asked if the workers can use water-based urethane. Tom said yes. The Selectboard agreed to use gloss finish on the floor, rather than semi-gloss.
- 21) Approve Minutes - December 7th: **Tom made a motion to approve the minutes of December 7, 2010 as written. Bruce seconded the motion, which passed unanimously.** December 14th (morning): **Tom made a motion to approve the minutes of the December 14, 2010 morning meeting as amended. Bruce seconded the motion, which passed unanimously.** December 14th (evening): **Tom made a motion to approve the minutes of the December 14, 2010 evening meeting as amended. Bruce seconded the motion, which passed unanimously.** December 17th: **Tom made a motion to approve the minutes of December 17, 2010 as written. Bruce seconded the motion, which passed unanimously.** December 21st: **Tom made a motion to approve the minutes of December 21, 2010 as amended. Bruce seconded the motion, which passed unanimously.** December 22nd: **Tom made a motion to approve the minutes of December 22, 2010 as amended. Bruce seconded the motion, which passed unanimously.** December 23rd: **Tom made a motion to approve the minutes of December 23, 2010 as written. Bruce seconded the motion, which passed unanimously.** January 5th: **Tom made a motion to approve the minutes of January 5, 2011 as amended. Bruce seconded the motion, which passed unanimously.**
- 22) Upcoming meetings – Tom noted that the Energy Committee’s January 10th meeting was cancelled. Martha said they have rescheduled for February 14th. Bruce said he is available for the February 14th Selectboard meeting after all.
- 23) Adjourn – **Glenn moved to adjourn at 8:30 PM. Tom seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison