

WEST WINDSOR SELECTBOARD

Draft Minutes

May 11, 2009

Present: Phil Arvidson, Bruce Boedtger, Tom Kenyon, Martha Harrison, Cathy Archibald, Ralph Johnson, Gareth Henderson, Mike Spackman, Hal Pyke, Bob French, Joe D'Anna, Annie Burke, Julia Hutchinson, John Abrahamsen, Lindsey D'Anna, Annie Callahan, Sally Bemont, Susan White, Jenny Bodnar, Courtney McKaig, Coleman McKaig, Chloe McKaig, Merle & Leone Bushkin

- 1) Call to Order – Selectboard Chair Phil Arvidson called the meeting to order at 6:30 PM.
- 2) Changes or additions to the agenda – Grange Hall lift, application for public assembly, VLCT policy development, letters from Dana Waters and Wade Masure, Martha's summer hours
- 3) Public Comment – Coaching Lane Extension: Rudy Gross asked the Selectboard if the Town would take over the road if the people who own property on the road bring it up to Class 3 standards. Rudy said it's going to be costly, so they'd like to know ahead of time that the town would accept the road. Rudy said Mike Spackman told him that the road needs to be raised 18" and there need to be 15" x 30' culverts under both ends of the road and every access. In addition, there needs to be a turnaround at the end of the road. Tom said the original plan called for a cul-de-sac, but it was decided that that was not a good idea. Rudy said there are two driveways at the end of the road that the town trucks could use as turnarounds with the owners' permission. Phil said the Selectboard and the Road Foreman would need a specific proposal to review and a list of two or three contractors. Tom asked about the number of lots served by the road. Rudy said there are nine houses and three other lots. Rudy said the contractor he spoke with wanted to know if he could use cer-pak. Phil said Rudy would have to talk to the Road Foreman about that. Tom said the town goes by the B-71 Standards and asked if any of the driveways have sight distance problems. Rudy said he doesn't think so. Bruce said he lives on Coaching Lane Extension and he agrees with Phil that the Selectboard will need to see an agreement and some plans. Phil said the Selectboard would also need some indication that the landowners are willing to do the project because it involves a significant amount of funds. Rudy said the road is 1600' and the owners might consider doing the work in sections over three years. Phil said the Selectboard is receptive to a proposal but they need specific information before they could give any indication about whether they would accept it. Articles in local papers: John Abrahamsen said he is concerned about recent articles in the local papers, written by Tom Kenyon, that portray Brownsville in a negative light. John said he is here tonight to ask Tom to take a different tone. Phil said he thinks John's comments should be addressed to the press, not the Selectboard, because the actions he is referring to were not actions of the Selectboard. John said the press is not the place for it; this is the place for it. Phil said if John has problems with this issue, they should be addressed by the School Board, not the Selectboard.
- 4) Town Office Computer System – Annie said the Listers are in agreement now about the system. The total cost is \$3,481. Phil said half is out of the Lister's Expense and half is out of the town budget. Annie said yes. Bruce said he is in favor of it. Phil agreed. Phil asked if the system includes immediate backup and connection to Comcast. Hal said yes. **Tom made a motion to approve the computer system purchase as specified in the May 1, 2009 proposal. Bruce seconded the motion, which passed unanimously.**
- 5) Final access: Trace TanCreti – Mike said Trace has corrected the issues that Mike had with the access. **Bruce made a motion to grant final approval to Trace TanCreti for access to the Brownsville-Hartland Road from parcel #9-35. Tom seconded the motion, which passed unanimously.**
- 6) Basic Emergency Operations Plan (EOP) – Phil said he had suggested a couple of minor changes to Martha. **Tom made a motion to adopt the Basic Emergency Operations Plan with the minor changes mentioned by Phil. Bruce seconded the motion, which passed unanimously.**

- 7) Planning Commission appointment – Hal said the Planning Commission (PC) recommends Brian Curtis to serve out the remainder of Bruce Boedtke's term since Bruce is now on the Selectboard and is therefore a non-voting, ex-officio member of the PC. Hal said the PC feels they need five voting members. Hal summarized Brian's qualifications. Bruce said he has worked with Brian and thinks he is quite capable. **Tom made a motion to appoint Brian Curtis to fill the position vacated by Bruce Boedtke. Bruce seconded the motion, which passed unanimously.**
- 8) Southern Windsor County Regional Planning Commission (SWCRPC) alternate – Phil said he is not convinced that an alternate is necessary. Bruce agreed. **Tom made a motion to table consideration of a SWCRPC alternate. Bruce seconded the motion, which passed unanimously.**
- 9) High Risk Rural Roads – Phil said he got an email from Joelle Greenland notifying him that our grant application had been accepted and requesting his signature on the paperwork. Phil said the town had never submitted an application and he knew nothing about it. Phil said he was told that Tom and Mike knew about it, but he spoke to both of them and Tom had no knowledge of it and Mike had very little knowledge of it. Phil said he thinks the Selectboard should be notified in advance before somebody files an application on our behalf. Mike said he talked to Joelle a few months ago about the signage on Ski Tow Road and Sky Hawk Lane. Mike said Joelle asked him if he had a problem with her submitting an application and Mike said no but he wanted to see something in writing so he could present it to the Selectboard and review it with the Constable. Mike said accepting the grant does not obligate the town to go forward with the project so he suggests that we go ahead with it. Bruce asked about the amount of the grant. Mike said that Joelle said \$15,000. Bruce asked how many signs we're talking about. Mike said he only sees two places where signs are needed so he doesn't know how that could cost \$15,000. Mike suggested that the town allow the state to make a recommendation on the signage and then we'll know how much money they're going to give us to do the project. Phil said he's willing to sign off on it if it goes with a strongly worded letter to the regional planning commission telling them not to put in an application for funds for West Windsor again without consulting the Selectboard. Bruce asked Ralph if he thinks the signs are warranted. Ralph said he thinks a sign is needed where you come off Sky Hawk Lane onto Ski Tow Road. Tom asked Mike how much a sign and a post would cost. Mike said less than \$200. Bruce said there may be some development up there. Mike said if they do any development up there, we have some issues. Bruce said he would think the DRB has the authority to ask for those signs if they're needed. Phil agreed. Tom said there must be another town in Vermont that has a far more serious problem. **Tom made a motion to forego the grant and let the DRB determine the need for signs as development issues arise up there. Bruce seconded the motion, which passed unanimously.**
- 10) Planning Commission proposal on amendments to zoning regulations – Hal said the PC had their public hearing on the proposed amendments last Friday and no one from the public showed up, other than Brian Curtis. Hal offered to read the proposed amendments. Phil said he has read them. Hal said the proposed amendments clearly differentiate the kind of light manufacturing that could take place in the downtown area from the heavier industry allowed out on Route 44. Phil noted that the revisions to the proposed amendments were raised by the Lelands and he believes they are satisfied with it now. Hal agreed. Leone Bushkin asked who supervises these policies once they are passed. Leone said the proposal for the Brownsville Garage was approved with conditions limiting the number of cars and that condition is not being followed. Martha said she reminded the owner about the limits on the number of cars last year and he was either going to comply or come in with a proposal for additional vehicles on the lot. Martha said since neither of those things has happened, she will write him a letter. Leone asked what happens if he doesn't respond to the letter. Tom said he has talked to the owner, who says the cars were repaired and he's waiting for the owners to pay the bill. Tom said maybe the DRB needs to clarify whether the ownership of the cars has anything to do with whether they are counted. Martha said one of the conditions of the permit was that the ZBA, which is now the DRB, would have continuing jurisdiction over the appearance of the property. Phil suggested that the Selectboard communicate to the DRB that this issue ought to be reviewed in light of the original requirements and if they

are not in compliance then pressure should be brought to bring them into compliance. Bruce asked about the consequences for non-compliance. Martha said if someone is in violation of a permit, she sends them a notice of violation and they have seven days to correct the situation before being fined \$100 a day. Joe asked if the owner of the garage and the owner of the used car lot are different. Martha said the original owner of the used car lot business is not there anymore and she thinks both businesses are being run by the same person. Phil said we need to find out the specifics. Phil asked Martha to draft a short letter to DRB Chair Glenn Seward with the relevant minutes attached. **Bruce made a motion to accept the Planning Commission's recommendation to amend Section 4.12 and Article 4 of the West Windsor zoning regulations, to replace "Light Industry" with "Low impact non-residential use" as a conditional use in the Primary Growth Village district, and to schedule a public hearing on the proposed amendments for the Selectboard's next regular meeting day. Tom seconded the motion, which passed unanimously.** The Selectboard's next regular meeting is June 8th.

- 11) Municipal Education Grant: Ancient Roads – Phil said the Conservation Commission asked the Town to apply for a grant for an ancient roads education session to be conducted by the Vermont League of Cities and Towns (VLCT). Phil said he agreed and, as a result, we received an \$800 grant for the class, which Ted Siegler plans to schedule for sometime in June.
- 12) American Reinvestment & Recovery Act (ARRA) grant application – Phil said this pertains to the federal stimulus program. Phil said they requested a lot of information with only two weeks notice and there was no way the Town could respond. Phil added that he doesn't think West Windsor has any projects that would qualify even if we went through all that effort. Phil said he would rather see federal money spent on upgrading Route 44 and the intersections at each end of Route 44 A. Phil asked how the Town might convey that to the people who are involved. Mike said all the planning, soil studies, and engineering would have had to be done two years ago. Bruce said towns that already have projects ready are the only towns that can take advantage of federal stimulus funds.
- 13) Town Constable's Report – No report
- 14) Town Clerk/Treasurer's Report – No report
- 15) Highway Foreman's Report – Mike said we can't start the bank stabilization project on Sheddsville until after the state's final review process. Phil asked about the approximate amount of the grant. Mike said \$7,000. Mike said he has not heard anything about our bridge or paving grant applications, but we should hear in June. Mike said the culverts are waiting to be installed. Mike said the highway department will ditch later in the summer and mow in July. Mike said he doesn't have prices on a roller or a sweeper yet. Mike notified the Selectboard about his vacation plans. Mike said the highway employees are going to attend two classes in June. Phil asked Mike about the letter the town received from the insurance department at VLCT. Mike said the issue has been corrected.
- 16) Discuss discontinuance/reclassification of town roads that only serve one residence – Phil said the Selectboard needs to decide if we're going to move forward on this or not. Phil said if we move forward, we have to give written notice to the parties involved and schedule a hearing. Phil said the roads in question are Prince, Bowers, Clough and Johnson. The Selectboard looked at the roads as shown on the town tax maps. Phil noted that part of Bowers Road washed out years ago and no longer goes through to Route 44. Phil said there are three properties that abut Bowers Road, but only one that is currently accessed via Bowers Road. Tom asked if the washed out portion of the road has been formally thrown up. Mike said he would say so because it is not shown on any of the state maps. Phil said the Goodman and Bushkin properties abut Prince Road, but the access to the Goodman property is off Sheddsville Road. Phil said Clough Road is off Knob Hill Road and goes into property that historically belonged to the Cloughs, but he is not sure what the access situation is there. Phil said the fourth road is Johnson Road. Phil said if we discontinued these roads, we would lose a minor amount of state aid. Phil said the biggest savings would be the time of the highway employees. Phil said we are giving the public the impression that we are plowing private driveways. Tom asked if we know that there are no deeded rights to access any of those roads from some other lot. Mike said he has no idea. Phil said that's why we

have to hold a hearing. Tom suggested finding out how the abutting landowners feel about it because we don't want to go through the court system. Phil agreed. Bruce agreed and suggested inviting abutters to come to the next Selectboard meeting or respond in writing. Bruce asked Mike if there are any other roads like these four. Mike said no. Merle Bushkin said from Sheddsville Road to their house is 1300' and the town plows 450'. Merle asked about the difference between a road like Prince Road and the last house on a dead-end road. Merle said if he owned the last house on a dead-end road then the town would be plowing his driveway. Merle said there are 27+ dead-end roads in West Windsor. Merle said if the town is not going to maintain roads that serve one house, that policy ought to be applied uniformly. Merle said if it saves the town money to stop plowing roads that serve one house, he would support it as long as it is applied equally. Merle said there is only one house on Queen Victoria Road. Merle said there should be a policy to determine how a road should be classified. Merle said he can't believe that the town is going to save any money, other than material and fuel costs, by not plowing a couple of roads. Merle said he doesn't think we're going to dismiss one of the highway employees or eliminate a town truck. Merle said he doesn't think the town would save anything comparable to what they would lose in state highway aid. Merle brought up Auger Hole Road as an example of a similar road that perhaps shouldn't be maintained by the town. Mike said Auger Hole Road serves two residences. Tom said the Selectboard is looking at roads that only serve one residence with little or no chance that they would ever serve more houses. Tom said some people might want the road to be discontinued. Rudy Gross agreed with Merle Bushkin that discontinuing the four roads indicated would not be economical. Phil said the question is why it's a public road if it only serves one house. **Bruce made a motion to notify, by letter, the owners along the four roads discussed about the possibility of discontinuing the roads.** Phil asked if the Selectboard would be holding a public hearing or just asking for input. Bruce suggested just asking for input. **Tom seconded the motion.** Merle suggested that the Selectboard first identify every road that should be considered for discontinuance, rather than singling out the four roads discussed. Mike said there are only four roads that meet the criteria. Phil said he doesn't agree with Merle's argument about the last house on a dead-end road. Hal said Seems Road is a dead-end road, but there are 15 property owners on it who are contributing taxes to the town. After additional discussion on dead-end roads, **Phil called for a vote on the motion, which passed unanimously.**

- 17) Access on private roads - Tom said when there's a private road coming onto a town road does someone accessing the private road have to get an access permit. Tom said by adding more houses on the private road, you could conceivably change the type of access that's needed where the private road meets the town road, according to the B-71 standard. Tom said there's also the question about whether the property owner on the private road has a deeded right to use that road. Tom said he thinks the access ordinance should say that a person desiring to construct or alter an access needs a highway access permit. Phil said if we modify that, we'll have to be clear about what "altering an access" means. Bruce asked if the Selectboard has jurisdiction over private roads. Mike said the Selectboard doesn't, but the DRB does. Phil and Bruce agreed. Tom asked how it is determined what standard the private road has to meet since it could serve one family, two families, or a small housing development. Phil said he doesn't think we have the language that would require an access permit for someone on a private road. Bruce agreed. Mike said the Selectboard could require that the applicant provide a copy of the original permit allowing the private road to access the town highway. Martha said someone wanting to access a private road would need a zoning permit for a driveway and, if the situation were complicated, it would go to the DRB. There was discussion about what would be required if a lot on a private road were subdivided, which would come under different regulations. Phil said in his opinion the original development triggers the curb cut. Mike said suppose the Selectboard approves an access for a development and all the lots are developed and then one of the lot owners subdivides again, does the original curb cut have to be reviewed again because it is now serving more lots than intended. Phil said the lot owner would have to get DRB approval. If the DRB felt that the traffic was going to be too heavy for the access, the DRB could deny the application or require that the road be

upgraded. Tom said what happens when someone gets an access approval for a single house and then, ten years later, subdivides the property into 10 lots and it serves a small housing development. Tom said they might have to move the driveway. Bruce said the zoning regulations were rewritten recently and they're much more comprehensive than they were in the past so he thinks those issues will be addressed. Phil agreed. Tom said he would like to hear what the DRB thinks about this issue. Phil suggested that Tom talk to Glenn Seward about it.

- 18) Review highway access ordinance, regulations and application form –Mike and Martha said they would like the Selectboard's input on the access ordinance and the application form before they try to update them. Tom said he would like to get the other access issues ironed out before we go any further with updating the ordinance. Mike said, other than the ordinance being outdated, he couldn't find anything that needs to be changed.
- 19) Public Assembly Application: VT Adaptive Ski & Sports (VASS) – Julia Hutchinson was present on behalf of VASS. Ralph said VASS needs a letter from the Fire Department. Julia said in the past, they have notified the fire department that the event was happening, but they haven't gotten a letter. Mike agreed. Julia said she would be happy to request a letter from the Fire Department. Ralph asked if alcohol would be served. Julia said no. Phil said the trail runs through his property and suggested that the race should have a rain date because the bicycles tear up the trail in wet weather. It was pointed out that the "Vermont 100" is for runners and horses. Phil said the horses also damage the trail and there is added risk to the riders when it's raining. Julia encouraged Phil to call her the day after the race if there is damage to the trail on his property and she will repair it. Julia said it is difficult to have a rain date because many people come from great distances. Phil suggested that VASS upgrade their efforts to repair the trail after the race. Julia said she is willing to view Phil's property before the race to make sure the trail is returned to its original condition after the race. Phil said he does not want to oppose the application. **Tom made a motion to approve VASS's application for a public assembly license for July 17th through July 19th 2009, subject to written approval from the Fire Chief. Bruce Boedtke seconded the motion, which passed unanimously.**
- 20) Proposed Changes in Funding to Current Use Program – Tom said at the last minute the Vermont legislature took out the proposed changes to current use, so the current use program will stay the same.
- 21) Certificates of Occupancy update – Martha said she sent out 10 letters on April 29th and has received 4 responses. She has looked at three of the projects and has an appointment to look at the fourth. Martha said there's a problem with one of them, but the other two are fine, and she is planning to send another 10 letters. Phil said he presumes the letter calls to the property owner's attention the fact that not having a C.O. could cause problems with refinancing or selling the property. Martha said yes.
- 22) Town Hall – Windows: Tom said American Plate Glass is going to come up with a bid for the whole project; they're going to fix the glass and paint the trim, and they would like to do the work in the fall. Tom said it doesn't make sense for the town to try to coordinate with 4 or 5 different contractors. **Bruce made a motion to proceed as Tom suggested. Tom seconded the motion, which passed unanimously.** Vault space: Phil said replacing the huge, inefficient town hall furnace with a smaller more efficient version would free up half the space in the furnace room for vault space.
- 23) Correspondence – Dana Waters: The letter from Dana requested permission to do some maintenance work on the Class 4 section of Rowe Hill Road. Martha said that Dana had mentioned that there is a race in June and he is concerned that this section of road is not safe for the riders, specifically where the culvert is exposed. The Selectboard agreed unanimously that Mike has discretion to look at what Dana has proposed and either okay it or come back to the board. Mike said he will come back to the board anyway.
- 24) Other Business – Grange Hall lift: Tom said he talked to Ann Kroll from the Department of Housing and Community Affairs about using Community Development funds for the accessibility project at the Historical Society. Tom said Ann has authorized the Historical Society to draw up plans using the lift they want and the Clerk of the Works they want, Lee Eastman,

who is going to volunteer his time, and if she is satisfied with the proposal, they will be given a waiver and the project will be approved. Tom said Kevin Weeks is going to work on the project as well and the lift will be supplied by the same company that supplied the lift for the church. Martha's summer hours: Bruce asked Martha how her hours would be scheduled. Martha said her hours would vary from week to week, depending on which summer camps her children are attending, but she would be in the office for an average of 30 hours per week. Phil said he has no problem with Martha's proposal as long as the work gets done. Tom asked Martha to keep the Selectboard and the Town Clerk informed of her hours. Phil suggested that Martha post her hours for the next week on her door. Bruce asked Martha if she feels she can manage her workload on the reduced hours. Martha said she is a little concerned about that but once before, when she was overwhelmed, the town contracted with someone to help with minutes so maybe they could do that again, if necessary. Phil noted that Martha's proposal offers the town some monetary savings for her additional time off so if she can't manage the workload on 30 hours a week, the Selectboard could try to arrange for some assistance. Martha added that she wouldn't leave the town uncovered on something important. Bruce said he thinks the Selectboard should be able to initiate some assistance for Martha, if necessary, without having another meeting. Phil agreed. Phil suggested that Martha start thinking about who might be available to help her. Martha noted that many towns have an Assistant Zoning Administrator for times when the ZA is going to be away for an extended period or when the ZA needs a zoning permit. Phil asked Martha to come up with two or three candidates that the Selectboard could consider. Alarm system: Phil asked if the state has inspected our alarm system yet. Tom said the inspection should be done this week or next week.

- 25) Minutes – April 13, 2009: **Tom made a motion to approve the minutes of April 13, 2009 as modified. Bruce seconded the motion, which passed unanimously.**
- 26) Adjourn/ Sign Town Clerk's Orders – At 8:30 PM, **Bruce made a motion to adjourn, subject to signing the Town Clerk's orders. The motion passed unanimously.**

Respectfully submitted,

Martha Harrison