

WEST WINDSOR SELECTBOARD

Draft Minutes

June 27, 2014

Present: Glenn Seward, Tom Kenyon, Bruce Boedtke, Karl Hansen, Elvin Kaplan, Martha Harrison

- 1) Call to Order – Selectboard Chair Glenn Seward called the meeting to order at 7:30 AM.
- 2) Changes or Additions - None
- 3) Announcements/Public Comment – Tom thanked Daniels Construction for finishing the bridge on time. Glenn said he met with Rob Calhoun, Michael Epstein and Mike Spackman yesterday to consider re-routing Bible Hill Road and everyone was okay with the concept. Glenn suggested getting input from other abutters, staking out the proposed centerline, and putting the project on the agenda for the next Selectboard meeting. Public Comment: Elvin Kaplan said the bike trails have resulted in increased traffic on Coaching Lane and he thinks the speed limit should be posted as 25 MPH and the road should be patrolled. Glenn said a traffic study for Coaching Lane was attempted a few years ago but, at the time, there wasn't enough traffic to do the study. Glenn suggested taking another look at it, discussing it with Ralph, and putting it on the agenda for the next meeting. Tom said he thinks the lowest allowed speed limit is 20 or 25 MPH. Bruce agreed that it's a safety hazard and suggested doing the traffic study on Tuesday night. Glenn noted that he heard from another area resident last night who requested that the road not be posted or patrolled. Glenn said he will look at the statute and look into the options for patrolling the road.
- 4) Request for final highway access approval: Silver Hill Farm LLC – Glenn said it looks fine to him and the Highway Foreman agrees. **Tom moved to grant final highway access approval to Silver Hill Farm LLC for parcel #5-106.1. Bruce seconded the motion, which passed unanimously.**
- 5) Executive Session – **Glenn moved to go into Executive Session to discuss possible civil litigation. Tom seconded the motion, which passed unanimously.** After discussing sewer fees, contracts and enforcement of permit conditions, **Glenn moved to come out of Executive Session at 8:03 AM. Tom seconded the motion, which passed unanimously.** Glenn noted the Selectboard's interest in having counsel dedicated to the legal issues associated with the sewer. **Tom moved to select John Springer to be the Selectboard's legal counsel for sewer issues. Glenn seconded the motion, which passed unanimously. Tom moved to authorize Glenn to send a letter of concern to Windsor, on behalf of the Selectboard, regarding the sewer rates. Glenn seconded the motion, which passed unanimously.**
- 6) Application for initial highway access approval: Klene (Coon Club Road) – Glenn said the Highway Foreman recommended an 18" x 40' culvert. Tom asked if the approval is for a specific length of time. Martha said the application is for an agricultural access, not a temporary access. Tom said he understands that the intention is to remove forestry products and he doesn't think it should be a perpetual access. **Glenn moved to approve the application by Roger and Deborah Klene for agricultural access for parcel #6-138, to be reviewed for renewal after one year and conditioned on the installation of an 18" x 40' culvert as recommended by the Highway Foreman. Bruce seconded the motion.** Tom said after a year, if the approval is not renewed, the culvert should be taken out. Bruce and Glenn agreed. **Glenn called for a vote on the motion, which passed unanimously.**
- 7) Discuss culvert replacement v. road relocation on Bible Hill – Glenn suggested authorizing Martha to send a letter to abutters notifying them that the Selectboard is considering this and asking them for their input. Tom suggested asking the owner of the property to donate an easement; if the town purchases an easement, there has to be a town vote. Tom asked what would happen to the current highway right-of-way. Glenn said it would revert to the owner so, in essence, it would be a trade. Tom asked if the existing culvert would be removed. Glenn said yes. Glenn noted that Michael Epstein is concerned about increased traffic speed. Tom said the new intersection should not be too

close to the culvert on Harrington Road. Bruce asked Glenn to send a draft map so he and Tom can see the proposed relocation. Tom said replacing the culvert on Harrington Road might involve raising the road. Glenn said the Harrington Road culvert is at the bottom of the drainage area that needs to be addressed, starting with the culverts on Jewett Road and John Myers Road. Glenn said if the culvert on Jewett Road goes, there's no other way in so we have to establish some priorities. The Selectboard agreed to put this item on the agenda for the July 14 meeting and agreed that Martha should draft a letter to abutters letting them know that a possible relocation of the road will be discussed on that date.

- 8) Discuss removal of debris from stream along Lower Sheddsville Road – Glenn said he and Martha met with River Management Engineer Todd Menees at the site and Todd encouraged the town to remove the debris as soon as possible. Glenn said the work was done yesterday.
- 9) Discuss Sheddsville intersection project – Glenn said it appears that the intersection will conform to B-71 standards regarding sight distance but we still need to look at the culvert situation there, as well as the road shoulder. Glenn said there was an issue with the height of the wall so some additional stone is needed at a cost of \$1,500. **Glenn moved to authorize the expenditure of an additional \$1500 and to request written documentation from the stone mason that the amount is necessary to finish the project. Bruce seconded the motion.** Bruce agreed that a paper trail is needed. Glenn said he will ask Mike Spackman to request something in writing from Mr. Shambo. **Glenn called for a vote on the motion, which passed unanimously.**
- 10) Approve Act 250 amendment application – Glenn thanked the town's co-permittees, Orange Lake and MFW Associates, for signing the application promptly. **Glenn moved to approve the Act 250 amendment application as drafted by the Town Forest Committee. Bruce seconded the motion.** George asked what the application is for. Glenn said it is for some additional trail work. Glenn noted that the Town Forest Committee received a grant from the state for some of the work. **Glenn called for a vote on the motion, which passed unanimously. Tom moved to authorize the Chair to sign the application on behalf of the Selectboard. Bruce seconded the motion, which passed unanimously.**
- 11) Approve School Zone Safety Initiative – Glenn said the state is willing to improve the signage around the school and the crosswalk situation at the intersection of Route 44 and the Brownsville-Hartland Road, at their expense. **Glenn moved to approve the School Zone Safety Initiative. Bruce seconded the motion, which passed unanimously.** Tom asked when the work would be done. Martha said it would not be done this summer. Tom suggested coordinating the work with our sewer project.
- 12) Sign joint zoning application for boundary line wall – Glenn said Mr. McNamara would like to put a stonewall along the property where it abuts the town highway right-of-way so, in essence, it's a boundary line wall. Tom said Mr. McNamara owns to the center of the road so the stonewall will delineate a "use boundary" not an ownership boundary. Martha said the issue arose when Todd Menees said the town would need to be a co-applicant on the permit for the stream alteration portion of the project. Glenn suggested attaching the minutes of this meeting to the zoning application so it's clear that the Selectboard considers the proposed wall a "use boundary." Glenn noted that allowing Mr. McNamara to place the stonewall in the right-of-way comes under a separate letter of agreement approved some time ago. Martha noted that the Selectboard would be signing the application as a co-applicant, not a co-owner. **Glenn moved to sign the zoning application with Mr. McNamara, as a co-applicant, indicating the Selectboard's approval for the stone wall as a "boundary of use" not a property line delineation. Bruce seconded the motion.** Tom said the wall is an allowed use. Martha said all walls need a zoning permit according to our 2012 Zoning Regulations. Tom said we need to look at this when we revise the regulations. **Glenn called for a vote on the motion, which passed unanimously.** Tom asked if the DRB still needs to be involved. Glenn said yes; because it's in a stream buffer.
- 13) Discuss implications of changes to the Open Meeting Law – Glenn said this is another example of the state imposing directives with no regard for how they get implemented. Glenn said he embraces

public access to any and all information, where appropriate, but this places a considerable burden on volunteers in small towns. Glenn said imposing misdemeanor charges and healthy fines for violations seems extreme to him. Tom asked who would pay the fine. Glenn said he thinks it could be the volunteer. **Tom moved to discuss this issue. Bruce seconded the motion, which passed unanimously.** Tom said he is not in favor of shutting down the town website as some other towns are doing. Bruce agreed. Glenn said if the Selectboard cannot have ongoing discussions about current issues, things will grind to a halt. As a result, Glenn said, he thinks the Selectboard should consider meeting weekly. Tom said he's concerned that agendas will become very vague and generic. Martha noted that the law requires "changes and additions" to be the first item of business on the agenda. Bruce asked if the board or committee can act on an item that is added to the agenda at the beginning of the meeting. Martha said she doesn't think the law answers that question. Glenn said there can be no phone conversations, emails, or discussions about town business outside of a meeting. Tom asked if the Highway Foreman will have to request that specific items be placed on the agenda. Bruce was concerned about the added pressure on volunteers who already have jobs and other responsibilities in their lives. Glenn suggested a letter to our representatives. Tom and Bruce agreed. Glenn asked Tom and Bruce if they want to schedule a weekly meeting. Tom was opposed to a weekly meeting. Glenn said to the extent that he can legally do things outside of an open meeting, he will do so but if he can't, he won't and the issue will have to wait for the next scheduled meeting. Bruce said he would prefer to stick with a monthly meeting and see whether it works or not; if it doesn't work, Bruce said, he's willing to consider a weekly meeting.

- 14) Consider signing MOU for update of 1999 Pedestrian Master Plan – Glenn said there is money available to do the update with the grant from the Mt. Ascutney Prevention Partnership that we received last year. Glenn said we have received a memorandum of understanding from the regional planning commission to do the update for \$2900. **Glenn moved to approve the MOU to update the 1999 Pedestrian Master Plan. Bruce seconded the motion, which passed unanimously.**
- 15) Consider signing Trail License Agreement with MFW Associates LLC – Glenn said our old agreement was with Snowdance LLC so, with the transfer of the property to MFW Associates, we need a new agreement. Glenn said the new agreement is the same as the old agreement with one addition: MFW would like to be notified of, and have the opportunity to approve, any new developments within the trail system on their property. **Glenn moved to approve the Trail License Agreement with MFW Associates LLC. Bruce seconded the motion, which passed unanimously.** Tom asked how long the agreement is for. Glenn said it is on-going unless either party cancels it with 30-days' notice.
- 16) Consider signing Emergency Access License & Indemnification Agreement with MFW Associates LLC – **Tom moved to discuss. Bruce seconded the motion, which passed unanimously.** Tom asked if this agreement is still necessary now that Bridge #7 is back in service. Glenn said he thinks it would be good to have an agreement in place in case of unforeseen circumstances. Tom asked if Win Johnson is comfortable with the use of his property for emergency access to the resort. Glenn said yes and said that Mr. Johnson would also like a formal agreement. Glenn said Mr. Johnson is willing to consider a more permanent access through his field if the town is willing to construct it and provide assurance that Johnson Road will remain a town-maintained road. Glenn noted a change to the draft agreement, suggested by the insurance company, limiting the town's responsibility for "damage caused to the property as a result of the town's use and access of the emergency access route." **Glenn moved to approve the Emergency Access License & Indemnification Agreement. Bruce seconded the motion, which passed unanimously.**
- 17) Consider proposal for Town Hall roof repair – **Glenn moved to approve the proposal to repair the Town Hall roof for the amount of \$1,650. Bruce seconded the motion.** Tom said the contractor would like to do the work in July or August. **Glenn called for a vote on the motion, which passed unanimously.**

- 18) Consider estimate for printing Town Plan – **Glenn moved to approve the proposal from Whitman Communications to print 30 copies of our 2014 Town Plan for \$690. Tom seconded the motion, which passed unanimously.**
- 19) Set municipal tax rate – Glenn said there’s a delay related to current use issues. **Glenn moved to table this item and put it on the agenda for the next meeting. Bruce seconded the motion, which passed unanimously.**
- 20) Correspondence: Jeff Fehrs & Lynnette Whitney re: Sewer Pump Stations #1 & #2 – Glenn said Windsor is in the process of improving pump station #2. Glenn added that he has discussed the requirements for pump station #1 with Joe Duncan and Joe suggested that he draft a response outlining West Windsor’s plans to address the state’s concerns in the context of the village sewer project. Glenn said he asked Joe to go ahead and respond.
- 21) Review preparations for VT Mountain Bike Festival – Martha said the town does not have the required letters from Mike Spackman and Nancy Gaynor. Martha noted that someone from STAB contacted Mark Kirko about having an ambulance on site but his response was vague. Bruce said there needs to be some kind of medical support present. Glenn suggested deferring to Nancy Gaynor’s recommendations when they are received. The Selectboard asked Martha to inform STAB that they need to work this out before July 11th. Chairlift removal: Glenn said the folks who are taking down the lifts have been extremely cooperative about keeping things out of the way. Tom said he thought the equipment was not going to be stockpiled in the parking lot. Glenn said there are components that are being prepared to ship but there shouldn’t be a problem for the Fourth of July. Glenn said any lift components in the parking lot will be flagged off. Bruce asked that the components be off to the side, maximizing the space available for parking, and that the entrance and exit be clear. Tom said he is concerned about kids playing on the components.
- 22) Sign orders – **Glenn moved to sign orders and a cemetery deed for Larry and Dawn Bailey for two more lots. Bruce seconded the motion, which passed unanimously.** Tom suggested that lot prices should be the same in the Brownsville and Sheddsville cemeteries. Glenn said he thinks the cemetery bylaws require the Selectboard to meet once a year to discuss cemetery business. Tom noted the purchase of two replacement grave stones for \$180 - \$200 each.
- 23) Adjourn – **Glenn moved to adjourn at 9:15 AM. Bruce seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison