

WEST WINDSOR SELECTBOARD

Draft Minutes

May 9, 2012

Present: Glenn Seward, Tom Kenyon, Martha Harrison, Dana Danieli (FEMA), Tiffanie Fortier (AOT Technician), Tom Kennedy (Southern Windsor County Regional Planning Commission)

- 1) Call to Order – Selectboard Chair Glenn Seward called the meeting to order at 2:10 PM.
- 2) Meet with state officials re: Brownsville-Hartland Road – Glenn asked Dana and Tiffanie to clarify what West Windsor can do to address the issues with the Brownsville-Hartland Road. Glenn summarized the actions of previous FEMA officials. Based on verbal approval by Former FEMA representatives, Glenn said the town spent \$20,000. Glenn said no PW was ever written and he only recently got an email stating that, due to past deficiencies, the project is not eligible for FEMA funding. Glenn noted that FEMA was involved in prior repairs to the road. Tom Kenyon noted the leaning telephone pole on the slope. Dana said the FEMA official who said the project was eligible overstepped their bounds. Dana said Riquia did not write a PW because Project Specialists were given specific orders by Branch Director Tim Barnet not to write “net zero” PWs. Dana said the Selectboard will have to write an email to Tiffanie stating their desire to appeal the determination summarized in Riquia’s email. Dana said the GeoTech has issued a report indicating why the project was denied. Glenn asked if the town is going to get a copy of that report. Dana said Riquia should have given the town a copy of the report. Glenn said the town was not even notified that there was going to be a site visit. Dana said he will get a copy of the report for the town. Dana said FEMA won’t fund projects on unimproved property outside the town right-of-way. Dana said the problem on the Brownsville-Hartland Road was a pre-existing condition that was exacerbated by the storm. Glenn said our second FEMA rep said he was going to give the town the forms needed to get access to private property for the work. Dana said there are laws against using federal funds to improve private property. Tom Kenyon asked if the work can only take place within the town right-of-way. Dana said yes. Glenn said Riquia had indicated at one point that FEMA could help repair the shoulder. Dana said that was before the GeoTech determined that it was a pre-existing condition and therefore not eligible. Glenn said in 1998 and 2003, the town received FEMA funding for similar work. Dana said the town should be careful because FEMA can still take that funding back. Tiffanie said “slides” are one of the biggest sources of appeals. Dana said the town needs to file the appeal within 60 days of Riquia’s email. Glenn noted that the town received Riquia’s email on April 18th. Tiffanie said if the town just sends an email, she can attach all the documentation. Dana suggested separating the appeal into two sections – one appealing the denial of the work in the right-of-way and one appealing the denial of the work outside the right-of-way. Glenn asked how long the appeal process takes. Using FEMA’s “Public Assistance Guide,” Dana described the appeal process. Tiffanie said the state does not endorse all appeals. Glenn said it seems unlikely to him that all the damage in Vermont that is being reimbursed by FEMA happened within town or state rights-of-way. Tiffanie said some towns have gotten written permission from abutting property owners. Tiffanie gave the town a copy of the Public Assistance Guide. Dana reiterated that federal funds cannot be used on private property. There was brief discussion about projects on private property in other towns. Dana said, prior to 2011, the record number of disasters in New England in a single year was 14. In 2011,

Dana said there were 24 disasters, which is why there was so much staff turnover. Glenn noted that the engineering estimate for the repair on the Brownsville-Hartland Road is \$300,000, which is half the town's budget. Dana said there are other avenues. Tiffanie said there is "404" funding from the state. Glenn said this project was deemed ineligible by SAIC. Tom Kennedy asked Glenn if he has the denial letter from SAIC. Glenn said yes. Dana suggested mentioning, in the appeal, that the town has tried to fund the project in other ways. Tiffanie suggested the town highway grants as another possible funding avenue. Dana said he doesn't know if "long term recovery" would qualify for a town highway grant. Dana said FEMA can make special exceptions but it's done at a higher level. Tiffanie said the town should note the necessity of working outside the right-of-way in order to restore the road to pre-disaster condition. Martha asked if the town should note that the Brownsville-Hartland Road is a critical part of the town's infrastructure and that the Agency of Transportation (AOT) could not have repaired the bridge on Route 44 without it. Tiffanie said yes. Dana said if there were trucks on the road that exceeded the weight limit for the road, then the damage could be due to the weight of the trucks rather than the storm. Dana said if it was an approved detour for a federal aid road, then the town can ask AOT to help fund the repairs. Tiffanie said there are other town roads that were heavily used by the state that have received state funding, but only if it was the only route between a gravel pit and the federal aid road. Tiffanie suggested asking Trevor if it was used as an official detour, and copying her and Alec Portalupi on the email. There was discussion about the possibility of getting NRCS funding for the portion of the project that would be in the stream, given that the work has not been done yet. Glenn asked Dana about interim funding for work on the Bowers Covered Bridge. Tiffanie said the town could do a draw down through her. There was discussion about the mistake in the amount of funding that has been obligated for the covered bridge and the fact that the mistake has been corrected. Martha said the difference between the \$270,000 and the \$207,000 was the insurance payment received by the town. Dana said the state and FEMA have to be notified if there are going to be any cost overruns with the project. Glenn said given that the north abutment was initially denied and then approved, there will be additional costs for materials and re-mobilization. Dana didn't think the re-mobilization costs would be covered. Dana said the north abutment is not a change in scope but the increase in height is a change in scope. Dana said the reason for the change in height is to meet the Q25, which was adopted before the storm and the bridge is going up rather than out for historical reasons. Dana said the town needs to write a change of scope for that. Dana said the draw down is based on actual costs submitted by the town. Martha asked about the status of Rush Meadow Road. Dana said if Riquia submitted it, then it's in the review process. Tiffanie said every PW is not shown on every summary sheet. There was brief discussion about project completion forms and final inspections. Dana described how to organize information for project closeout. There was discussion about the very high probability that Irene will be declared a "90/10" disaster in the near future, in which case the town's share of the cost will be 5%. Martha asked if completion inspections have to be done on every project. Tiffanie said large projects are inspected when they are 100% complete and small projects are inspected when all the small projects in the town are done. Tiffanie said the auditors will also do a desktop inspection of each town's files. Dana suggested focusing on organizing the information for the large projects. Tiffanie agreed. Dana said small projects are only audited if the town asks for a net project appeal. After Tiffanie and Dana departed, Tom Kennedy

asked Glenn if he would like some help writing the appeal on the Brownsville-Hartland Road. Glenn said yes.

- 3) Other Business - Sewer purchase: Glenn said the state has made financing for the purchase contingent on an inspection of the line that will cost over \$50,000, so the town is interested in exploring alternative funding options. Glenn said the town's engineers think it would be helpful but not necessary to inspect certain portions of the line but they don't think it's necessary to inspect the entire line. Glenn said he is investigating alternative funding with the bond bank. Tom Kennedy suggested that Glenn ask the town's engineers to put their opinion in writing and send it to Don Robisky. If it gets rejected, Tom said, he can help with an appeal. There was discussion about ownership issues related to the resort's assets, including the sewer line. Tom Kennedy said the town could apply for a community development block grant to expand the sewer line into the village but 80% of the beneficiaries would have to be of low to moderate income in order to qualify. Tom Kennedy said it would help if the town could show that the expansion would create jobs or serve the school. Tom Kenyon said the expansion would serve the library, which doesn't have any septic system. Tom Kennedy said the town could also consider Economic Development Administration (EDA) funding but there is a cost-share and the project should be related to job retention or creation. Tom Kennedy said there is also funding available for planning. Tom Kenyon said the expansion should be done before Route 44 is repaved. Brook Road: There was general discussion about the section of Brook Road destroyed by Tropical Storm Irene. Law Enforcement: There was general discussion about West Windsor's law enforcement contract with Windsor. Tax rate: Tom asked Glenn if he has a sense how much reimbursement money the town will have received by the time the Selectboard has to set the tax rate. Glenn said he has discussed it with Cathy Archibald and thinks the town is going to be okay. Tom said he doesn't think the town should wait until November to start working on the budget this year.
- 4) Adjourn – **Tom moved to adjourn at 3:55 PM. Glenn seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison