

TOWN OF WAITSFIELD, VERMONT
Selectboard Meeting Minutes of
February 8, 2010

I. **Call to Order.** The meeting was called to order at 7:00 p.m. at the Waitsfield Town Office. Present were Selectboard members Kate Williams (Chair), Charlie Hosford (Vice-Chair), Paul Hartshorn, Bill Parker, and Sal Spinosa; Town Administrator Valerie Capels; Darryl Forrest, Peter Joslin, Chris Nordle, Glenn Towne, Brian Thomas Sweet, Nick Goldberg, Kelvey Richards Wilson, John Lillard, John Kiernan; Cheryl __ (MRVTV Channel 44/45); Lisa Loomis (Valley Reporter).

II. **Public Forum.** No one was present for the Public Forum.

III. **Scheduled Appearances.**

1. **7:30 p.m. – Public Hearing to Consider Addition of Class 4 Roads to the Town Highway map.** Ms. Capels explained the process for adding Class 4 Roads to the Town Highway map and noted that the Selectboard's focus has been on the unobservable corridors in order to prioritize and meet the February 10 deadline. There was a site visit on December 18 to focus on four particular unidentified corridors, those being 4, 5, and 6. A public meeting was held on January 4 where more information was received with regard to these corridors. Selectwoman Williams noted that only one section of the Town was looked at due to money and time constraints, but other areas could be focused on at a later date.

Mr. Nordle noted that work done by Mr. Sweet and Mr. Towne on unidentified corridors 5 and 6 has culminated in the belief that both those corridors are in fact observable although not mapped in the proper locations. According to their research, corridor 6 is farther down in the Palmer Hill area, and corridor 5 is actually the road that runs up to the Northfield Ridge. Mr. Sweet explained his process in determining corridor 5 is observable, and noted that much of the road that is currently being used by the public is not on the town road location. Approximately two-thirds of the roadway is on private land owned by the Richards who permitted the use under a VAST permit.

Mr. Sweet noted that if you attempted to layout or survey corridor 6 in the location in which it is shown on the Ancient Roads map, it would slope in excess of 60% for 400 to 500 feet into Spaulding Brook, and then ascend the other side which is totally impossible. The properties the free holders were seeking to get their cattle to were actually located well south in the Palmer Hill area. He noted that if you overlay the area for corridor 6 it appears to correspond closely to the present Palmer Hill Road as it crosses Pine Brook and extends to the end of the road.

Mr. Goldberg noted that there does not seem to be any urgency as the Town has until 2015 to add observable corridors on the map. He does not believe the Town should accept any of these roads without being certain where they are. This would give the Town another 5 years to do due diligence so all will be in agreement as to where they are, and then decide if they are any value to the Town to keep them on the map.

MOTION: There being no further discussion, a motion was made, seconded, and passed unanimously to close the public hearing.

IV. Regular Business.

- Peter Joslin: Town Meeting preparation and replacement of Moderator.** Mr. Joslin confirmed that he would be attending Town Meeting as Moderator for the last time this year. Due to his upcoming marriage and subsequent move out of Waitsfield, and considering his many years as Town Moderator, he expressed an interest in helping to orient and train any person or persons interested in succeeding him as Town Moderator. There are not specific criteria or qualifications, but the person should be comfortable standing and speaking before a crowd, able to remain composed when things can become a little antsy and take control of the meeting, be willing to familiarize themselves with the rules that need to be applied during Town Meeting, and will be viewed as even handed in the way they run the meeting. Asked if he had any candidates in mind, Mr. Joslin said he did not, but is aware of two people who might be interested, both of whom he believes would be very good.

Ms. Capels reminded Selectboard members that Mr. Joslin would be voted in as this year's Moderator, and that a successor would not be voted on until the 2011 Town Meeting. Mr. Joslin said he would be willing to have any candidates join him at the Town Meeting to experience the happenings hands on and also answer any questions during break periods. Selectwoman Williams suggest Ms. Capels mention the need for a Moderator in the Waitsfield Notes.

Mr. Joslin also noted that there was a recent meeting of the Library Trustees where the allocation of funds between Waitsfield and Fayston was discussed. Members decided it would be a good idea to present copies of the budget to those attending the Fayston Town Meeting so that attendees can see what it takes financially to run a library. Fayston would need to decide whether to allow the Library Board representative a chance to speak at the meeting. There was discussion of Fayston representation on the Library Board.

MOTION: Selectman Hosford moved to recommend that copies of the Library budget be made available prior to, and during, the Fayston Town Meeting and that a representative from the Library Trustees be present at the Fayston Town Meeting to answer questions concerning the budget. Selectman Parker seconded the motion. All were in favor.

- Annual VTrans Certificate of Highway Mileage.** Ms. Capels explained that this document summarizes the Town's current mileage shown on the existing Town Highway map. This process is for the Town to certify if any changes should be made and documentation necessary to validate those changes.

MOTION: Selectman Hosford moved to not add corridors 4, 5, and 6 to the VTrans Certificate of Highway Mileage at this time as their placement has not been deemed accurate and to accept the Certificate with no other adjustments. Selectwoman Williams seconded the motion. All were in favor.

3. **Debrief of Budget & Budget Committee process.** Selectman Parker noted that feedback from the Budget Committee included a desire to receive recommendations for structuring the budget with available data continuously and not just the few months prior to preparation for Town Meeting. This type of work could be done on a quarterly or as needed basis. Selectman Spinosa stated that the Selectboard should be more attuned to, or educated further about, the matters that have direct implications for the budget. There was agreement that much of the Committee's work this year will not need to be repeated each year. Selectman Hosford said it is important that situations such as the Library Trustees consulting with and gaining recommendation from the Budget Committee and not the Selectboard regarding their new budget be revised in future. There was agreement that clarity and communication on budget matters are important. Selectman Parker noted that better coordination in the town offices would be a helpful part of the budget process and monitoring. It would also be good to review the Procurement Policy in context of a Budget Committee in existence. Mr. Forrest noted that it was beneficial to have the Budget Committee available to look at every number in the budget and obtain back up information from the presenter. Selectman Parker stated that it was beneficial to have taxpayers as part of the Budget Committee to ask and receive answers to questions that may be raised during Town Meeting.

Selectwoman Williams asked Selectboard members to review the draft she feedback she provided and revisit the issue for more clarification in moving on at a future meeting. She also asked Selectman Parker to share the information with the Budget Committee for their input and recommendations.

Selectwoman Williams noted that the Budget Committee recommended an infrastructure forum be arranged for public discussion on what next steps should be taken. Ms. Capels suggested scheduling it April/May at the Big Picture Theater as a follow up to the business summit held a year ago.

4. **Water Project: Status update and schedule for completion.** Mr. Kiernan noted that at the last meeting work was suspended until certain criteria were met. One of those criteria is to secure the necessary easements which Mr. Forrest has made a large deal of progress. There are some easements still unsigned, but verbal agreement has been received. The other criterion was to be sure there were no abnormal conditions in the Act 250 decision. Mr. Kiernan recommends this is the time to get all of the work completed and submitted for permitting. There was discussion about the ERUs. Mr. Kiernan explained 192 ERUs have been received and 220 are needed. Ms. Capels noted that there will be several decision points where the Selectboard will be in a position to decide whether to continue. Obtaining the permits is an important milestone, but putting the project out to bid and finding out what the actual costs are will be another time when the Selectboard can make the decision of whether or not to continue.

Mr. Kiernan said a 30-day appeal period has begun on the Act 250 decision, and one or more parties may appeal. If there is an appeal, it will be sent to the Environmental Court and the process could take six months or more. Selectman Parker stated that it would be unwise to commit more time and money when there are so many questions still unanswered. Mr. Kiernan noted there is still STAG money available that could be utilized. Ms. Capels is

currently working on the application for the STAG money. Selectman Parker confirmed with Mr. Kiernan that the reimbursement could potentially happen even if the Town is involved in an appeal.

Ms. Capels asked if any of the tasks on the list, once completed, could go stale and need to be redone over time in the event of an appeal. Mr. Kiernan replied that there are some, one of which is the wetlands permit that needs to be checked every five years. It was noted that a municipal project manager is not needed at this time, but should be considered at a later date.

Selectman Hosford stated that if the Selectboard does not feel this project should be completed now is the time to stop the proceedings. He feels enough work has been done to proceed further to bring the project to completion. Mr. Forrest stated that he feels there would be more commitment from people if a firm date for completion is set.

MOTION: Selectman Hosford moved to acknowledge that the Selectboard understands that Phelps Engineering knows the Town's concerns, but would like them to finish and help the Town get all the permits it needs to be in a position to bid once all the appeals are completed knowing that they will use their judgment and use only the least amount of money necessary. Selectman Parker seconded the motion. All were in favor.

5. **Minutes of December 28, 2009, January 4, January 11, and January 18, 2010, if available.** Selectman Hartshorn moved to accept the December 28, 2009 and January 4, 2010 minutes as presented with the possible exception of a question on the January 4, 2010 minutes raised by Selectman Parker and to be checked, and corrected if necessary, by Ms. Capels. Selectman Hosford seconded the motion. All were in favor.

6. **Bills payable & Treasurer's warrants** were signed.

7. **Selectboard roundtable. Fruit Tree Planting Foundation Grant Program.** Selectman Hosford provided members with information regarding a foundation that gives grants for orchards. The prerequisites for the grant are that the work is done on municipal owned properties, that the community be interested in food production and sustainable issues around food production, and that they be committed to an orchard. The group would provide the money to purchase the trees and provide the expertise with regard to planting. He has received positive feedback from different potential venues, including the school. The west side in the buffer zone of the Flemer Green or on the east side would be good locations. The applications are due in February of and only the first 100 will be accepted. The company supplying the plants would buy them locally and more than just apple trees could be included. The application would need to show community support, including for on-going maintenance. The end products could include donations to Meals on Wheels, cider production, etc. Selectman Hosford said is in the process of seeking permission for the plantings in the Flemer Field buffer zone.

MOTION: Selectman Hartshorn moved to approve the proposed grant application. Selectwoman Williams seconded the motion. All were in favor.

Energy Retrofit Grant Applications. Selectman Hosford noted that the energy retrofit block grant is in the final stages of completion. There was discussion about whether the Selectboard has determined yet what type of heating system to use in the Town Garage; otherwise, the application will not include any money for the heating system. The grant originally included part of the cost to upgrade the indoor system.

MOTION: Selectman Spinosa moved to accept the upgrade of the indoor system to heat the Town Garage with the Sam Daniels unit previously discussed and include the money on the grant. Selectman Hosford seconded the motion. The motion passed with four in favor and one against (Selectman Hartshorn).

8. Town Administrator's report. Ms. Capels noted that the Town Report proof is in the mail and welcomes any feedback from Selectboard members.

V. Other Business. No other business was brought forth.

VI. Executive Session re. pending litigation (Kalichstein). MOTION: A motion was made, seconded, and carried unanimously to go into executive session to discuss pending litigation. The Selectboard met in executive session from 10:10 p.m. until 10:30 p.m. Upon returning to open session, the following action was taken:

MOTION: A motion was made, seconded, and carried unanimously to direct the Town Attorney to take the action as discussed.

VII. Adjourn. The meeting was adjourned at 10:35 p.m.

Respectfully Submitted,

Nancy Myrto
Minutes Taker

and reviewed by

Valerie Capels
Town Administrator