

**TOWN OF WAITSFIELD, VERMONT**  
**Selectboard Meeting Minutes of**  
**November 10, 2008**

- I. **Call to Order.** The meeting was called to order at 7:30 p.m. at the Waitsfield Town Office. Present were Selectboard members Charles Hosford (Chair), Paul Hartshorn, Bill Parker, Roy Hadden, and Kate Williams; Town Administrator Valerie Capels, Minutes Taker Nancy Myrto; Darryl Forrest, John Kiernan, Tony Italiano (Channel 44/45), Brian Shupe, Brian Fleisher, Dick Kingsbury, Laura Kingsbury, Bert Lindsay, Doug Wilson, Marty DeHeer, Chris Cook, and Tom Vickery.
  
- II. **Regular Business.**
  1. **Public Forum.** No members of the public wished to speak.
  
  2. **Airport Road drainage issues: Laura Kingsbury.** Dick Kingsbury explained that there is an issue with the water on the Mad River Park property. The amount of water has doubled since the Koeppel property was developed due to damming on one side of the new road. There is also water coming from the Fayston side that has always been there. The water runs down the road and over a culvert directed onto the Kingsbury's land. Mr. Kingsbury stated that the excess water has resulted in a partial loss of his road, excessive water where vehicles are parked, and continued problems for property owners below him. There is a ditch on the south side of the road. He has built a 2' x 2' x 4' block and placed it half way up the culvert to block some of the water. He does not want to block all the water as there is a fire pond on his land that it helps to fill. When the water gets to a certain point it flows over the dam, down the road, and into a retention pond. The retention pond was built in 2006 and will be given to the Town by the Kingsbury's. Mr. Kingsbury also noted the retention pond will need to be cleaned out annually, as it fills with silt more quickly now. He would clean it this year, but it would be the Town's responsibility going forward. It will require someone with a 360-degree machine because it is so wet. Mr. Kingsbury said this remedy is a test, but is concerned the water will eventually go across the road and wash Airport Road out. He agreed to build the dam and Town agreed to stone-line the ditch.

There was discussion about the past and current volumes of water, how the Koeppel development caused has changed the flow, possible alternatives to redirect it, and who is responsible.

Mr. Kingsbury also stated that the Koeppel access road is in the wrong place making it dangerous due to the curb cut. Selectman Hosford said that he spoke with Terry Wilcox who agreed trees could be cut down around the Koeppel access road to improve sight lines. It was agreed that the bank should be shaved back to improve safety. There was discussion about the level of review when the development was originally approved by the Planning Commission and who is responsible for ensuring compliance, including if what was built complies with approvals but is not adequate. The Town should have scrutinized the proposed curb cut at the time. It was agreed that the sight distances need to be improved immediately before winter and Ms. Wilcox should be contacted for permission to shave the bank. Selectwoman Williams stated that the changes Mr. Kingsbury has made should be watched during a trial period and Mr. Kingsbury should

report to the Selectboard with any problems. Ms. Capels said that she will look into the compliance issues with regard to the Koeppel access road.

3. **VAST trail maintenance: Doug Wilson.** Mr. Wilson explained that the local club maintains 85 miles of snowmobile trails that connect Northfield, Duxbury, Huntington, Waterbury, and into Waitsfield Village. VAST is requesting continued support and assistance in projects to keep land open for the trails. Mr. Wilson noted two concerns in Waitsfield: one being the trail running on the gravel pit road; and the other being the Tremblay Road Bridge. VAST has agreed to contribute to the repaving of the Tremblay Road bridge. Mr. Wilson also noted a need for better signs in this area. Selectman Hadden noted that the side of the bridge is where the most damage is due to the path of the snowmobiles. Mr. Wilson understood that a quote of \$3,200 was obtained for repair of the bridge, and VAST would be willing to pay \$1,000 of the bill out of its trail maintenance fund. He is also researching a different type of road covering more suitable to snowmobiles. Selectman Hosford asked Mr. Wilson if there is any feedback from businesses with regard to benefits from snowmobilers. Mr. Wilson stated Jay's Restaurant and gas stations in the Irasville area have experienced increased business from snowmobilers. Selectman Hosford asked if any further complaints have been received from Ms. Kelley with regard to noise and fumes. Mr. Wilson noted that there have not been recent complaints and part of that is due to the advanced technology in snowmobiles that reduces noise and fumes. Asked about the estimated numbers of VAST members, Mr. DeHeer noted there are about 30,000 members statewide and 450 locally. There was discussion about future funding and maintenance alternatives. Selectwoman Williams asked if there was an alternative source of money to aid in road or trail repair. Mr. Wilson stated RTP grants can be tapped, but that it would be best for the town to make the application. Selectwoman Williams noted that since the grant deadline is Jan. 15 and is a reimbursement program; since the work has already been done, it would not be available to cover the costs this year but could be in the future. MOTION: A motion was made, seconded, and carried unanimously that VAST pay half the cost of the Tremblay Road bridge repair.
  
4. **DRB candidate interview: Chris Cook.** Asked to introduce herself, Ms. Cook said that she is a mother of two children and has been fully involved in this role for the past five years. Prior to that she had more community involvement and is currently looking to again become more involved. She currently works for Bill Maclay and built two homes in the Warren area where she is familiar with the rules and regulations. Joining the DRB would give her a great chance to become familiar with Waitsfield's rules and regulations. Selectman Parker asked Ms. Cook if, being an architect and designer, she could offer good discourse to another architect/designer/builder if on the DRB. Ms. Cook felt she could be of assistance to the applicant and keep within the rules and regulations already set forth. Asked to outline the role of the alternate,,Mr. Shupe explained that it is fairly new and as such not defined clearly. Because the DRB is down two regular members, and an alternate needs to see through any application they may have started, the alternate position could end up committing as much time as a regular. There was discussion about the length of terms. Selectwoman Williams suggested that should Ms. Cook be appointed and assume one of the unfinished terms, it would give her time to become acclimated with the DRB and give her a better basis on deciding to sit for another term. MOTION: A motion was made, seconded, and carried unanimously to go into executive session to discuss a personnel matter. The Selectboard met in executive session from 9:00 p.m. to 9:07 p.m. Upon returning to open session, the following action was taken: MOTION: A motion was

made, seconded, and carried unanimously to appoint Chris Cook to the unexpired term of Jamey Fidel ending in March 2009.

5. **Taxpayer appeal discussion: Tom Vickery on behalf of Gerry Tucker.** Ms. Capels explained that Mr. Vickery asked to come before the Selectboard on behalf of Gerry Tucker, who currently has a tax appeal before the State Appraiser, to see if some compromise can be reached without having to go further through the appeal process. Mr. Vickery explained that Mr. Tucker owns an 88-acre piece of land on Palmer Hill Road. It was on the market from 2001 to 2004 for \$250,000; after which it was reduced to \$175,000. Mr. Tucker appealed the reappraised value at \$490,000 to the BCA and it was reduced to \$400,000. It is a woodlot, on a Class 4 road, and in the current use program. It is back on the market at \$225,000 and Mr. Tucker is upset that is appraised at \$400,000. The Town gets \$1,100 in taxes, but it will cost more than that to pursue the appeal and lose.

Asked the Selectboard's role in this matter, Ms. Capels explained that because this is in litigation, the Selectboard has control over its level of involvement. It can actively participate in the appeal process or not; it can delegate representation to the Town Attorney, which has typically been done in the past; and it has the latitude to negotiate.

There was discussion about comparables and sales in the area. Mr. Vickery argued that one of the sales was not an arm's length transaction because it was bought by an adjoining property owner. It was agreed that information the BCA reviewed would be provided to the Selectboard for review.

6. **Gravel Pit: Continued consideration of contract amendment with Phillips Engineering for additional permitting services.** Ms. Capels noted that an updated budget worksheet has been provided that provides more detail. Work items that have been completed and those that remain to be completed were discussed. The cost could be reduced by up to \$2,000 if Ms. Capels assisted in completing the multi-sector general permit application. Selectman Hartshorn explained that if work does not keep moving forward, they will not be able to crush gravel in the spring. MOTION: A motion was made, seconded, and carried unanimously to approve the contract amendment for up to \$5,000, with the possibility of reducing it with Ms. Capels' assistance.
7. **Municipal water project: post-bond vote discussion and next steps.** Ms. Capels reported that approximately 171.8 "yes" ERUs and 26.4 "maybe" ERUs have responded; though we have not yet heard back from everyone. Looking at those who agreed to sign up last time but who have not yet responded, John Kiernan came up with a total of 210 "yes" and "maybe" returns. Mr. Kiernan suggested that the remaining \$1 million in STAG funds could be allocated to the water project to reduce user fees, particularly if the stimulus package brings more money for a wastewater system. Also, Rural Development may be able to give a grant for up to 40% if the stimulus package comes through. There was discussion about other ways of reducing project and user costs. There was discussion about the importance of hearing back from those property owners who want to sign up. Ms. Capels suggested that there will be several go-no-go decision points. If the numbers come in higher than projected, the Town could do another outreach to prospective connected users to see if they're still interested. Mr. Kiernan noted that even if we

have fewer people interested in hooking up, and if some of the STAG is reallocated and Rural Development increases the grant amount, it would be possible to deliver the project at the same \$850 annual cost.

Mr. Kiernan reported we are nearing the end of the window to get the archaeology and wetlands work underway on the Old County Road. Selectman Hartshorn said it would not be wise to not include the Old County Road at this point. Mr. Kiernan said the environmental work will need to be completed in order to submit the Act 250 application. Doing the work in the spring will delay submission of the Act 250 application, which will then push the construction schedule back. An alternative is to submit the Act 250 application with the Route 100 alignment, do the design and environmental work on the Old County Road, and then submit an Act 250 amendment. It would cost more upfront because work would need to be completed on the Route 100 alignment and some other work would need to be revised. In the big picture, he does not see the project going out to bid in April as there are likely to be appeals of the permits that could delay the project. If applications can be submitted, it might be possible to get out to bid in the summer with some fall construction. Engineering, borings, and the environmental work on the Old County Road is projected to cost \$60,000; the fieldwork that would need to be done immediately before we get lots of snow or frost would cost about \$40,000. The Selectboard affirmed the decision to include the Old County Road. Mr. Kiernan said the subcontractors would be willing to go forward immediately with a verbal agreement prior to signing the contract amendment. MOTION: A motion was made, seconded, and carried unanimously to authorize up to \$15,000 for the environmental field work along the Old County Road.

Mr. Kiernan noted there is about \$120,000 remaining in the current contract. The federal agencies now require a new contract format and have directed Phelps to restructure their contract document with the Town. He would like to go through each line item of their budget with the Selectboard to review their status, where adjustments need to be made, and estimates to complete. He noted that, although their rates have increased, they are offering to keep their rates at the 2007 level.

He proposes to provide the revised contract for review at the next meeting. After the design phase is completed, there would be a bid phase agreement and then construction phase agreement, each of which would be new contracts. Selectman Parker asked if the Town could put those other bid phases out to bid. Mr. Kiernan explained that Phelps Engineering will have provided design plans that may not include all details, such as unknown underground elements. The design engineer usually does the construction review so they have the opportunity to interpret the plans and provide the design intent to the contractor. If another firm is hired and something happens, Phelps Engineering could not be held responsible if the other contractor did not interpret something correctly.

For the next meeting, Mr. Kiernan will provide an opinion of costs to compare the costs of following the Route 100 alignment vs. doing the environmental, engineering, and design along the Slow Road. Selectman Parker recommended that the Irasville Master Plan and the Planning Commission be consulted, noting that there may be a recommendation to realign the Slow Road. Selectman Parker noted that the Irasville Master Plan projects approximately 200,000 square feet of additional construction in Irasville by 2030, which could amount 300 additional commercial

and residential ERUs. Ms. Capels noted that Waitsfield's growth center application is complete and ready to go, but was not submitted after the March bond vote failed. Although it still includes the wastewater element, it may be worthwhile to go ahead and submit the application, which would move us closer to getting the TIF district application.

Mr. Kiernan noted that after the March bond vote failed, there was a verbal agreement that Phelps Engineering would not be paid for any more work. He asked if there was anything the Selectboard would be willing to allow them to continue working on in order to get the project on track, such as submitting the basis of design report and getting the documents finalized on the water line easement. There was agreement to authorize work on the minimal things to keep the project moving forward between now and the next meeting. Mr. Kiernan clarified that work related to contract amendments is an overhead cost the Town does not get billed for; but providing the cost comparisons related to Slow Road vs. Route 100 would be billed. Ms. Capels will follow up with Paul Giuliani to finalize the water line easement. MOTION: A motion was made, seconded, and carried unanimously to authorize funds to cover Phelps Engineering's continued work on submitting the basis of design report, preparing information about realignment around the Slow Road, updating the project schedule, and meeting with Rural Development.

8. **Consider VLCT Resolution regarding transportation funding.** There was discussion about what other costs the State may need to cut if VTrans funding is not reduced. It was agreed that supporting the resolution sends a message about the importance of maintaining transportation infrastructure. MOTION: A motion was made, seconded, and carried unanimously to support the resolution.
9. **Green Up Day Coordinator appointment.** Ms. Capels said that Harrison and Valerie Snapp expressed interest in being reappointed as Green Up Day Coordinator. MOTION: A motion was made, seconded, and carried unanimously to re-appoint Harrison and Valerie Snapp as Green Up day Coordinators.
10. **Staff holiday party.** Ms. Capels stated, as outlined in her notes, this is an item carried over from the previous meeting where it was brought up under other businesses. Selectman Hartshorn stated that he feels this is not a good use of taxpayer money. Ms. Capels noted that there is a \$500 line item in the budget for incentives which typically involves some sort of expenditure. Selectman Hosford said that he feels comfortable with the staff doing something not at their own expense, but also realizes this is not a private business and there are other contingencies as to how money is spent. He did not feel the staff having a party every three years is extravagant. Selectwoman Williams said she feels we all benefit when employees we rely on are well and feel they are well-cared for. She also said that there this holiday party is a covered cost through the efforts of the employees, and she is comfortable giving support. Selectman Parker agreed. Selectman Hadden suggested it be limited to current employees and their spouses, that there be a cap of \$400, and that the Town not pay for alcohol. Former employees and their spouses could participate at their own expense and costs above \$400 would be at the employees' expense. Selectman Hosford confirmed with Ms. Capels that this year's savings are expected to be just under \$600 leaving some money after expenditures for the party. MOTION: A motion was made, seconded, and passed with four approved, and one opposed (Hartshorn), to fund a holiday staff party as discussed.

11. **Bills payable & Treasurer's warrants** were signed.
12. **Minutes of March 24, August 25, and September 22, October 13, and October 27, October 30, and November 3, 2008, if available.** MOTION: A motion was made, seconded, and carried unanimously to approve available minutes.
13. **Selectboard roundtable.** Business Forum Follow-Up. Selectwoman Williams noted that the follow-up to the Business Forum has been very positive, but people want to see what comes next. She wants to make sure follow-ups are tracked. Selectman Hosford said that he spoke with Susan Klein with regard to having the Chamber of Commerce be a co-sponsor in future. Selectwoman Williams confirmed with Ms. Capels that notes from the forum would be distributed to area businesses. Selectman Hadden said that the businesses community needs to get together and come back to the Selectboard with recommendations. Selectwoman Williams said the Selectboard committed to following up and can continue to take leadership by creating opportunities for discussion. Selectman Parker said it was an important opportunity for people to express their frustration and what they think the Town should be doing and what the business community needs from Town management.

Flemer Field Update. Selectwoman Williams asked what the status is on the Flemer Field. Selectman Hosford said that he has had no further word from Wrenn Compere.

Wait House Heat. Selectman Hosford said that he went through the Wait House with Calvin Ward to analyze why the heating system doesn't work. The filters have not been changed in approximately five years and other parts are not functioning correctly. Fixing the system is likely to require some major expense in the near future.

Relocation of Crabapple Trees. Selectman Hosford noted that two crabapple trees were moved from the health center to the Wait House property.

Water Project Costs. Selectman Parker said he spoke with a taxpayer interested that we all do our jobs now that the water bond has passed. There is a fear that costs would sky rocket and the taxpayer asked Selectboard members to commit to doing their best to keep the costs down.

14. **Town Administrators report.** Ms. Capels said that she had a very interesting meeting with Weston & Sampson with regard to the pond. Present were Ken Bisceglia and Mark Mitsch from the Peabody, Massachusetts who is part of the internal review process. As part of the internal review process, Weston & Sampson felt there was an alternative that they would like to present. The alternative mirrors Mr. Bennett's earlier proposal and would be less expensive. Ms. Capels noted it would be a trapezoidal channel with a bridge across, and would negate the need for the current pipes which would be cut and filled. Selectman Parker asked if Weston & Sampson is concerned about the soil stability. Ms. Capels said they did not see a problem; however, Mr. Mitsch met with the Waterbury dam safety office and, although Waitsfield's dam is not a jurisdictional dam and there are no specific requirements or standards that it is required to comply with, the state does not support the open channel approach because of erosion concerns.

Ms. Capels said that questions have been asked as to whether or not hunting is allowed in the gravel pit area. Selectboard members felt that hunting is allowable in the gravel pit area.

**III. Other Business.**

**IV. Executive session re. pending litigation.** 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 10:55 to 11:25 p.m. Upon returning to open session, no action was taken. It was agreed Ms. Capels would let Bob Fletcher and Mr. Vickery know that the Selectboard will continue to deliberate.

**V. Adjourn.** The meeting was adjourned at 11:30 p.m.

Respectfully Submitted,

Nancy Myrto  
Minutes Taker

and reviewed by

Valerie Capels  
Town Administrator