

**Minutes of West Fairlee Selectboard Regular Meeting
April 5, 2010**

Present from the Selectboard: Bonnie Cray, Sharon Petersen, Nate Pero, Jim Brigham, David Butch Moore

Visitors: Andy Petersen, John Blake, Mary Brigham, Corey Paye, Elise Cushman, David Cushman, II

The meeting was called to order at 6:00pm at the Community Building multi-purpose room.

Visitors: *Corey Paye: Conservation Commission: The potential sale of land in Bradford that could become part of Brushwood Forest*

Paye presented the board paperwork from the Trust for Public Land regarding the potential sale of forested land in Bradford. Paye indicated that the Trust for Public Land has expressed interest in coordinating the purchase of the land for potential inclusion in the Brushwood Forest. Paye indicated that community interest in obtaining the land is necessary for TPL to pursue the purchase. Paye outlined the tax implications for the inclusion of the land due to the loss of tax revenue from Bradford. Paye presented a cost breakdown for the purchase. Paye indicated that the Bradford selectboard will make the final decision on whether the property ownership will be transferred. Paye suggested a vote in support of accepting the property with an easement held by the State at no cost to the Town for the purchase.

Petersen asked to clarify the lost tax revenue. Paye clarified that the Town would pay no direct cost to purchase the land but would lose the tax revenue and potential transaction closing costs. Petersen asked if other towns could take ownership of the land. Paye indicated that the property could also be developed if opened to private ownership if the Town chooses not to include the property in the Brushwood forest. Cray asked what ownership Bradford would have in the Brushwood forest. Paye indicated that he believes that Bradford would no longer own any land in the Brushwood forest. Petersen indicated that the timing was not ideal given the current financial situation in Town.

Paye explained the benefits of contiguous land for wildlife. Paye indicated that obtaining the land could be a long process extending over a few years. Paye suggested that the board not make any decisions and wait to see the direction of the costs, etc. Cray asked about the use of the legacy fund for the land purchase. Paye explained that the legacy fund is grant money. The board discussed the tax implications and potential closing costs for the transaction. Andy Petersen asked to clarify whether the land was in current use. Paye indicated that it was. Andy Petersen indicated that at one time municipality ownership was not eligible for current use. Paye indicated that he believes that has since changed.

Paye requested that the board review the information and think about whether there is interest in obtaining the land. The board agreed.

Re-present the financial policy agreement for Brushwood

Paye explained where the financial policy was left in discussions with the previous board. Paye reviewed the changes that have been made to the policy since those discussions and outlined the operating and legacy funds. Paye also recapped discussion with the Vermont Community Foundation for management of the legacy funds. No decision has been made on the final investment of the legacy fund. Petersen asked for an idea of what exists now vs. what the Commission would like to set up. Paye explained that the Town obtained approximately \$70,000 with the Brushwood forest that is under the purview of the selectboard. The intent of the financial policy will allow the Commission to work towards investing a portion of the funds instead of leaving the money in a general account. Cray discussed that a certificate of deposit would return 2.5% and expressed concern on the use of other investments. Paye also indicated that holding the funds in a community fund would be actively managed.

The board will review the documentation presented by Paye.

Minutes: Motion by Petersen to approve the minutes of March 15, 2010 as amended by Petersen and Cray. Pero seconded the motion. The vote was unanimous in favor.

Butch moved to accept Heatherfield Road as a Class 3 Road. The motion was seconded by Petersen and the vote passed unanimously. The vote serves to clarify the motion made at the March 15, 2010 meeting to adopt the road as a Town road. Letters will be sent to residents including the length of the road.

To Hear and Act on the Reports of Town Officers and Committees: None

Roads: *Slaughterhouse Road Reclassification*

Moore indicated that Austin expressed interest in ownership of the land but not the bridge should the Town throw up the road for private ownership. Paye indicated that the bridge could potentially be split between the Payes and the Geers. Liability to landowners was also discussed. Andy Petersen suggested to Paye that a request for bridge maintenance be made to the snowmobile club in exchange for use. Andy Petersen indicated that he had discussed the road with the Geer family and that they had expressed no interest in maintaining access to their property from Slaughterhouse Road via the bridge. Moore questioned who would maintain the bridge if the snowmobile club refuses maintenance. The hearing regarding the road was discussed as well as the bridge ownership. Cray explained the process allowing petitioning of property owners if there is any issue. Moore moved to throw up the road for private ownership. Brigham seconded the motion and the vote passed unanimously.

The board and Paye discussed future ownership of the bridge. Blake indicated that previous situations have resulted in splitting of the property when ownership was unknown.

Winter Road Maintenance Policy

Cray sent a copy of the policy to the Town legal council. Cray read a response. Blake suggested that the board members attend the educational meetings held to discuss Town road issues and discussed potential liability issues that the policy should address. Cray read the portion of the policy regarding parking in question and suggested removing it. Cray also read a portion of the policy describing the hours of maintenance and suggested keeping it in the policy.

Moore moved to accept the policy as amended. Petersen seconded the motion and the vote passed unanimously.

Cray read the proposed sand use policy. Petersen suggested adding language to state that the Town is released of all liability due to injuries on the property regardless of the reason for access. The language was discussed and the following was agreed upon: "The Town will not be held liable for any injuries at the property." Cray moved to accept the policy as amended. The motion was seconded and the vote passed unanimously.

Trevor Starr Meeting: VTrans

The board will be meeting with Starr on Wednesday, April 7, 2010 at 7:00 am to discuss road issues.

Review/Sign Beebe Road Letter

Cray read the drafted letter. The board discussed the letter. Pero moved to sign and send the letter. Brigham seconded the motion and the vote passed unanimously.

Godfrey Road Culvert Drainage

Pero performed a site visit and discussed the drainage issues. Moore discussed potential correspondence to address the issues relating to unauthorized work in the town right-of-way displacing drainage discharges. Blake discussed washout issues due to the redirected drainage. Pero suggested writing a letter requesting that the drainage be returned to its former path dispersing to the adjacent field. Blake suggested performing the work and billing the property owner. Petersen discussion liability ownership and who should be held responsible. Cray moved to send a letter stating that the road crew will repair the road and the responsible party will be responsible for repairs citing the contractor who performed the work as the responsible party. The motion was seconded and the vote passed unanimously.

Old Business: *Right of Way Ordinance Review for Publishing*

Brigham moved to readopt the ordinance as of April 5, 2010 to allow proper time for adoption and publishing deadlines. Pero seconded the motion and the vote passed unanimously. The ordinance will be published.

Westshire School Recycling Bins

Petersen discussed the bins with Shawn Gonyaw and suggested holding off on moving the bins.

Tax Map Selection

Cray indicated that the RFP has been published on the Town website for some time but was not published in the paper of record. The board discussed previous tax maps and interested parties for the completion of a new set of tax maps. Andy Petersen discussed the benefits of having accurate maps. The use of the maps was discussed by the board and Andy Petersen. Petersen moved to use Cartiographics based on their proposal to develop completely new tax maps. The motion was seconded and the vote passed unanimously.

New Business: *Planning Commission: Authorizing Official for the Municipal Planning Grant application process*

Pero discussed the responsibilities of the authorizing official and agreed to take on the role for the board. Brigham moved to appoint Pero. Moore seconded the motion and the vote passed unanimously.

Appointment of Lister, David Cushman, II

The following positions were also proposed for appointment:

Tree Warden: Fred Cook

Director of Emergency Management: Lucinda Austin and Lisa Ordway

CDC: Roger Baily, Jim McDade, Doug Sonsalla, Larry O'Donnell, Frank Stephens

Budget Committee: Andy Petersen, Roger Baily, Delsie Hoyt, Jon Molesworth and Peggy Burden

Brigham moved to appoint the above. Moore seconded the motion and the vote passed unanimously.

Selectboard Vice Chair: Nate Pero

Brigham moved to appoint Nate Vero as Vice Chair. Moore seconded the motion and the vote passed unanimously.

Ticket Issuing Officials

The board will wait to assign officials pending review of the issuing procedure.

Clean Up Day

The volunteer availability for a clean up day was discussed by Cray. Petersen discussed the potential for a brush fire managed by the fire department. Clean Up Day was set for April 24, 2010 at 9:00 am. Lunch will be provided. Tasks for clean up were discussed.

Appointment of a Development Review Board or Board of Adjustment to Administer Flood Hazard Area Zoning Ordinance

Cray discussed the necessity of a board. Cray contacted VLCT for a copy of the Statutes and presented a draft resolution. Cray suggested utilizing the planning commission for the task. Cray read the resolution. The terms of the appointments and their tasks were discussed. The requirements for building in the flood plain were discussed. Pero moved to adopt the resolution. Moore seconded the motion and the vote passed unanimously.

Town Financials: Annual Outside Audit

Cray indicated that the contracted company to perform the audit has made several requests to the Town Treasurer's office. Cray asked Andy Petersen if the requests were reasonable. Andy Petersen responded that the majority of the requests were reasonable. Andy Petersen did indicate that some of the documents were of substantial size. A copy of the general ledger was requested. Andy Petersen indicated that the auditor typically looks at the original records. Andy Petersen indicated that all parties will be working on improving communication. Andy Petersen reviewed items on the list and discussed the process for providing the information. The board discussed the volume of the request. Andy Petersen will contact the outside auditor to review the requests. The hours for the outside audit were discussed. The working conditions for the Town offices were discussed. The topic will be added to the agenda for the next meeting.

Monthly Review of Bank Statements

Jim McDade will check the monthly statements.

Sign Orders: Motion by Petersen to sign orders. Brigham seconded the motion. The vote was unanimous in favor.

Correspondence: Correspondence was reviewed by the board.

Moore announced that the fire department has received alert monitors and additional equipment utilizing grant money. Cray also discussed sealing cracks in the roads and is working on obtaining additional information. The board reviewed excess weight permits and approved those with insurance materials attached.

Agenda Items for Next Meeting: VTrans Grant Application, Update on Godfrey Road Culvert, Ticket Issuing Officials, Update from the Board of Adjustment, Update on the Outside Audit, Proposal for Exemption to Disabled Veterans, Mowing RFP, Purchasing Policy

Motion by Petersen, at 9:00 pm, to adjourn the meeting. Brigham seconded the motion. The vote was unanimous in favor.

Respectfully submitted,

Holly Lewis-Poulin
Selectboard Clerk