Westfield Selectboard Minutes
August 11, 2014 – 6 pm – Town Offices

Present were: Selectboard Members: Yves Daigle, Richard Degre; Jacques Couture; Treasurer Mary Lou Jacobs; Lister Scott Dunn; Property Owners Steve & Debbie Dykeman: Town Clerk LaDonna Dunn and by conference call Town Attorney Bill Davies (6:15 p.m. to 6:35 p.m.)

1. Call Meeting to Order: Yves called the meeting to order at 6:00 p.m.

2. Additions and/or Deletions to the Agenda: There were no changes made to the agenda.

3. Approve Minutes of the July 21, 2014 Meeting: Jacques moved and Richard seconded to approve the minutes as read. Passed unanimously.

4. Conference call with Bill Davies Re: Tree: Yves explained that a conference call was going to be made at this point in the meeting to Town Attorney Bill Davies to get clarification and legal advice on how to handle the large pine tree on the corner of School Street & North Hill Road on the Dykeman's property. Yves introduced everyone on the conference call and reviewed with Bill the reason for the call. He asked Bill if it was legal to have the Dykeman's sign a waiver accepting the liability for the tree if they did not want to have it removed. He also wanted to know who would be liable for damages in the road right-of-way. Debbie asked who would be responsible if the town choose to remove the tree and during the process of removal the tree hit something outside of the right-of-way, such as a house.

Bill's replies were:

A. Even if the property owner signs a waiver it would not be effective in transferring the liability to the owners of the property in the eyes of the courts.
B. The Town is liable for damages incurred in the Town right-of-way if the tree is not removed and is known by the Town to be unsafe or damaged.
C. The Town is liable for damages incurred during the removal of the tree even if those damages occur outside of the right-of-way.

Bill said the Town has a legal right to remove a tree in the right-of-way if it represents a threat to public safety or impedes the use of the Town's right-of-way. Bill further suggested contacting the County Forester for a professional opinion and possibly a core sample to determine the condition of the tree in question. Jacques offered to arrange a visit with the County Forester. Bill also thought it would be wise to include an expert in leach fields in the tree removal planning process to ensure the integrity/safety of the leach field. Nate Holton of Newport was suggested. The Town has told the Dykeman's if damage is done to the leach field during the tree removal process, the Town will pay to fix it. Bill stated the wood belongs to the property owner unless they do not want it. The Dykeman's stated they do not want the wood. Arrangements have been made with David Wursthorn to remove the wood and take it to Larry Kennison's stump dump. The Dykeman's agreed that it is best to remove the tree. The Selectboard will contact Jeremy Tinker of Vermont Electric Coop and see if the Town agrees to pay for any leach field damages would they reconsider removing the tree and dropping the branches into the road and away from the leach field.

5. Zoning Administrator-Discussion: Yves reported that Gordon Lesperance will be done with his term as Zoning Administrator December 31, 201~~5~~4 and does not want to continue. The Selectboard will think of possible candidates for the job.

6. Librarian-Discussion: Yves reported that Tonya Gunn has given her notice and there is a woman from Orleans who is interested in the job. The Selectboard instructed LaDonna to post a help wanted notice around town to see if there is a Westfield resident interested in the position.

7. Casey Baraw-Asked to be on Agenda: This item was tabled as Casey was not at the meeting.

8. Claim from Gerald Fitz-VLCT Insurance: The Selectboard read the letter that was sent to Gerald Fitz from VLCT PACIF stating that the Town of Westfield was not legally liable for property damage due to the tree accident on Buck Hill Road.

9. 2014 Dog License Renewal List-Revised 8/6/14: Each Selectboard member was given a current list of licensed dogs in case they get phone calls about dogs at large.

10. Sheriff's Report-May & June: Yves stated the May fines were $274 and the June fines were $874.

11. Vt. Municipal Street Lighting Program: A letter was reviewed from Efficiency Vermont that helps municipalities upgrade from traditional street lighting to LED's. The Selectboard instructed LaDonna to get further information about the benefits of participating in this program.

12. Agency of Natural Resources Parcels-PILOT: Yves asked if the values the State places on the forest parcels is comparable to what the Listers would value the parcel at in the PILOT program. Scott said he has taken a quick look at the numbers and some were a little lower and some a little higher. To get a realistic number the Listers would have to visit each property. It was pointed out that the Town has no control over the values ~~of~~ and has ~~any~~ no way to grieve the value assigned by the state even if we feel it is assessed too low.

13. Property Insurance Adjustment: Yves reviewed a letter from VLCT PACIF notifying us that the town buildings property replacement values are being increased for 2015 and the premium of our current policy will be increasing approximately $610 in 2015. Our 2014 policy premium is $15,757.

14. Edward Jones Investment: The Selectboard completed a Risk Tolerance Questionnaire for the Library investment which will be submitted to Edward Jones.

15. Other Business:

A. **Cleaning Office:** LaDonna requested someone be hired to clean the floor at the Clerk's office once a month. Yves stated Mary Lee has agreed to do it.

B. **Pre-buy of Fuel Oil:** A letter was read about pre-buying fuel for the winter. The cost would be $3.30/gallon. In May we paid $3.25/gallon. The Selectboard decided not to pre-buy this year.

C. **Generator Update:** Richard reported the propane tank has been installed and filled. The propane company said the bulk of fuel being used is because of the 7 pilots on the stove. D & D Electric will complete the final installation of the generator.

16. Adjourn: Jacques moved and Richard seconded to adjourn the meeting at 8:05 p.m. Passed unanimously.

Minutes submitted by: LaDonna Dunn

LaDonna Dunn, Town Clerk

Westfield Selectboard Approval Date: with changes

September 8, 2014

Yves Daigle

Yves Daigle, Chair

Richard Degre

Richard Degre

Jacques Couture

Jacques Couture