

Westfield Selectboard Minutes
October 21, 2019 – 5 p.m. – Town Offices

Town Officials Present: Selectboard members: Yves Daigle (Chair), Jacques Couture (Co-Chair) and Anne Lazor; Treasurer, Mary Lou Jacobs; Town Clerk, LaDonna Dunn; Assistant Town Clerk, Heather Johnson; and Road Commissioner, Eric Kennison

Members of the Public: David Sadowsky

1. **Call Meeting to Order:** Yves called the meeting to order at 5 p.m.
2. **Public Comment – 5 Minutes:** David Sadowsky who lives on Kettle Farm Road spoke to the Selectboard about problems he is having with his neighbors. The section of Kettle Farm he lives on is a private road. He explained his neighbor have been cutting and removing his trees and grooming the road to create a 50 foot right-of-way. He explained he has missing trees and he feels they have been altering the direction of the road thereby taking more of his land than they should be while creating the 50' right-of-way. David stated he was coming to the Selectboard to ask for assistance to keep the neighbors from intruding on his property and cutting his trees. He explained all the things he has tried to do to resolve the hard feelings. Anne asked if the Selectboard had any jurisdiction to do anything to assist David. Yves and Jacques explained the town's responsibility is for Class 3 and Class 4 roads. The Selectboard explained the 50 foot right-of-way is for the use of all the property owners on the road and no one can encumber the right-a-way. David asked the Selectboard to send a cease and desist letter to his neighbors. Jacques stated the Selectboard had no jurisdiction to do send a letter. The Selectboard explained that while they understood David's concerns and frustration, there was nothing they could do as a Board because it was outside of their jurisdiction. The Selectboard encouraged David to seek legal advice to come to a good resolution for all parties.
3. **Additions and/or Deletions to the Agenda:** Added Articles from Sandra Snyder at 17B and VLCT/PACIF Building Inspection Report at 17C
4. **Approve Minutes of the 9-16-19 Selectboard Meeting:** Following a motion by Jacques and second by Anne, all were in agreement to approve the minutes with no changes.
 - A. **Business from the Minutes:** None
5. **Library Report – Donation from Jay Focus Group for Halloween Events:** LaDonna reported the Jay Focus Group kindly made a \$200 donation for Halloween activities at the Library. Mary Lee will send a thank you on behalf of the Town.
6. **Update on Village Center Designation – LaDonna Dunn:** LaDonna said the meeting went well last month with the Vermont Department of Housing and Community Development and the town was granted Village Center Designation. LaDonna will be sending a press release to the three local newspapers with the announcement. We do have to reapply in FY 2027 to maintain the designation.
7. **Community Center:**
 - A. **Discuss Concrete Repairs Needed Near Parking Lot Stairs and Accessible Ramp:** It has been reported to the Town Clerk that the concrete in front of the stairs at the Community Center and across the front of the accessible ramp has a large crack which is raised and causing a tripping hazard. The section of the concrete will need to be removed and replaced. The shift is about an inch and half. The width of the ramp would need to be cut out and re-poured. Yves will temporary fix the ramp with a cement mix in a week.

8. Road Updates:

A. Progress on Radar Signs: Mary Lou has been in contact with Trevor at Johnson Farm and Rental because she has not heard about delivery arrangements for the radar signs. He said the hold-up was they were missing some parts. He stated the radar signs should be arriving this week. Eric Kennison will be contacting Dig Safe.

B. FY21 Better Roads Grant Application Due 11-22-19: Yves stated that we want to apply to take advantage of any grant opportunities for the town. Jason Sevigny at VTrans District 9 office will help write the grant application. Heather requested that the Town Clerk/Treasurers office receive a copy of the application as soon as it is completed. Jacques made a motion to approve applying for the Better Roads Grant. Anne seconded the motion with all in agreement.

C. Schedule for Fall Roadside Mowing: Eric stated there will be no more roadside mowing this fall since the vegetation has died off.

D. Boulders in Roger Tetreault's Yard: Eric is going to talk with Roger and move the boulders into place. They will be placed out of the right-of-way.

E. Barriers up on Reservoir Road: He is going to put the barriers in place soon.

F. Closing Taft Brook Road: Yves said the town has been talking about this for a while. Jacques said there will have to be a sign that there is no outlet. The town will need to contact all emergency responders alerting them of the road closure of Taft Brook at the Buck Hill Road juncture. Yves stated that the guard rails will be put in place this fall to close the road. Jacques will order the signs. An announcement will be placed in the newspaper and it will be announced on the Town of Westfield, Vermont Facebook page. Reflective road signs will be placed 100 feet on Buck Hill Road in each direction stating Taft Brook Road Closed to Thru Traffic and one that reads Dead End will be placed at the Balance Rock Road and Taft Brook Road intersection. Jacques made a motion to close the Buck Hill Road end of Taft Brook Road. Anne seconded with all in favor.

G. NVDA Site Inspection Update for Grants-In-Aid Work on Kingdom Mountain Road: Frank Maloney from NVDA has completed the site inspection of Kingdom Mountain Road. All the paperwork has been submitted. We are waiting for payment from NVDA.

H. Better Roads Grant – Buck Hill: Heather reported Jess Kennison is working on the Buck Hill Road invoicing so the Better Roads grant reimbursement request can be submitted.

I. Town Garage Update: The new grates for the drain were not budgeted for. Ben Guay will make them.

9. Treasurer's Report – Mary Lou Jacobs:

A. Approve Warrants for Expenditures Dated: 9/18, 9/25, 10/2, 10/9 and 10/16/19: Anne moved to approve the warrants as listed. Jacques seconded and all were in favor.

B. Financial Update and Budget Review: We currently have \$864,012.87 in the General Fund. The PILOT check is in the amount of \$23,773.00. The delinquent taxes are over \$57,000. Mary Lou will be giving the delinquent tax files to Joyce Crawford.

C. Review Health Insurance Options for Open Enrollment: Yves asked if the insurance has

increased. The premium has increased by \$114 per month bringing the 2020 premium to \$900.13 per month. The town currently pays 80% of LaDonna's Blue Cross Blue Shield Platinum Plan. Based on the new premium rate of \$900.13 the towns 80% would be \$720 and LaDonna's 20% would be \$180.13. There was a motion by Jacques to continue the same Platinum Plan for LaDonna. Yves seconded and all were in favor. Mary Lou stated she would get an updated policy from Eric as the town pays a percentage of Eric's personal health insurance policy.

D. Edward Jones Account – Sign Business Account Authorization and Agreement Form:

The Selectboard signed an authorization form giving Mary Lou Jacobs access to the Edward Jones accounts. In October, Mary Lou transferred \$44,229.46 from the Edward Jones account to the General Fund checking account for the town garage capital improvement. We will get another \$10,000 from the Good Neighbor Fund in January. The reappraisal money is still at the Credit Union.

E. Letter from Sheriff Regarding Contract Hours: Last month they sent a statement and were vague on how they owed us time. Fifteen of the hours were from the year before. Mary Lou tried to email the Sheriff. Chief Deputy Philip Brooks sent a letter to explain that they have replaced these hours. Because of the questions about the hours worked, Mary Lou only paid the Sheriff's Department for the hours they actually worked. Yves said we need to continue to monitor the hours reported on the monthly report. After reviewing the letter from Deputy Brooks, Mary Lou paid the balance due for the quarter.

10. Discuss Updating Speed Ordinance to Include 35 mph Section of Route 100: LaDonna said she received a phone call from Sheriff Deputy Taylor Jacobs at the Sheriff's Department who informed her that Westfield's Speed Ordinance doesn't cover the 35 mph section of Route 100. If a ticket is contested in this section of town the money collected for the fine goes to the state. The Sheriff's Department has been contacting all of the towns that have this issue with their speed ordinance. The new traffic judge has been asking for proof to see the ordinance. Deputy Jacobs sent a copy of the Town of Danville's Speed Ordinance which the Sheriff's Department feels is a good model to follow. LaDonna will contact Town Attorney, Sara Davies, and send a copy for her comments. LaDonna said even if the town changes our current ordinance, the State Police issuing tickets don't have to write it under Chapter 23 V.S.A. §1007. Jacques made a motion to revise the Speed Ordinance to include the section of Route 100 that has a speed limit of 35 mph. Yves seconded the motion which passed unanimously.

11. Paving Repair on School Street in Front of D & D Electric: He called Yves and stated that when they paved they did not put in an apron at the driveway at D & D Electric. Because of this, during a storm water event, rain washes gravel out of his yard and down School Street towards North Hill Road. Yves talked to Browns Paving about the needed repair and they wouldn't be available until November. It was suggested that four or five feet of pavement would be sufficient. Anne asked if it would come out of the highway budget. Eric stated if we do some paving he would contact Pike. The \$30,000 would come out of paving budget or Balance Rock Road resurfacing. Eric said he has \$181,000 for the remainder of the highway budget. Jacques stated we should try to keep a buffer in the highway budget for bad winters or storm water events. Mary Lou said other towns put a percentage of the budget as a contingency fund line item for unanticipated expenses. We also have to retire the debt to retire this year from the line of credit. Eric recommended a highway escrow account be set up to place unused highway budget money into if his whole budget was not expended. There was discussion about paving on School Street which would include the repairs in front of D & D Electric. Jacques moved to approve that tarring on School Street, from North Hill Road to the bridge including the apron repair in front of D & D Electric, take place this fall. Anne seconded with all in favor. Eric will call and make the arrangements.

12. FY20 Payment in Lieu of Taxes (PILOT) for Agency of Natural Resources (ANR) State Forests:

A letter was received from the State of Vermont Department of Forests, Parks and Recreation explaining changes to the program. It stated the principal change to be aware of is the new formula used to

determine PILOT payments for ANR lands. For parcels acquired after April 1, 2016, the fair market value of land used to calculate PILOT payments is established by the value of the land as assessed by the town in the tax bill at the date of acquisition. The fair market value applies the total municipal tax rate to both the current use value and the taxable value to establish the PILOT payment. The value for all ANR property acquired before April 1, 2016 is now set by the Tax Department's Division of Property Valuation and Review. These base values are used for all future payments but can be subject to adjustments every 3-5 years at ANR's request to account for market changes. The average change of fair market values in Vermont has been around 2% annual growth. The values currently assigned to parcels represent the fair market value as determined by PVR for ANR owned lands in our town as of FY15. The Town will receive \$23,773.00 from the State of Vermont for the PILOT payment for FY2020.

13. Sheriff's Report for August & September: The report reflected 23.25 patrol hours and \$459 in fines issued for August and 21 patrol hours and two administrative hours with \$303 in fines for September.

14. Recycling Update:

A. New No Illegal Dumping Sign: The new sign has been installed at the Recycling Center.

B. Letter from All Metal Recycling Regarding Steel Pick-ups: Yves reviewed a letter that was received from All Metals Recycling. He said until the price of steel increases, we will be getting no money for the steel picked up in lieu of being charged a pick-up fee. The pick-up fee is being waived because we are members of the waste management district.

C. Letter from NEKWM – New Pick-up Rates for 2020: The pick-up rates are increasing to \$45.00 for recycling. This is an increase of \$10. Schools will be charged \$30.00 for pick-up. The increase in pick-up fees is expected to raise an additional \$10,000 for the Northeast Kingdom Waste Management District FY20 budget. The additional money will enable the waste management district to acquire a baler. The proposed surcharge rate for 2020 will remain unchanged at \$24.75/ton.

15. Barking Dog Complaints in Village: It was brought to Yves attention that there is a barking dog in the village disturbing a property owner's sleep. Westfield has an ordinance addressing barking dog. The ordinance states: No person shall own, keep or harbor a dog [or wolf hybrid] that disturbs the quiet, comfort and repose of others by frequent, habitual or persistent barking or howling. Westfield's dog ordinance further states: A signed written complaint to an alleged violation of this ordinance shall be submitted to the Town Selectboard and/or Constable whereon said person(s) shall investigate the complaint, and if such complaint is substantiated take appropriate action in accordance with the provisions here in. Yves will contact the complaining party and explain the process before the Town proceeds with enforcement. There is a new puppy living in that area of the village. LaDonna will speak with the owners and make sure the dog is licensed.

16. Updated Quote for Cleaning Headstones at North Hill Cemetery for 2020 Budget: LaDonna stated she received an updated quote from Heritage Memorials, Inc. for \$500.00. The work will need to be budgeted for and completed in 2020.

17. Other Business:

A. Special Westfield School District Election 11-12-19 by Australian Ballot and Informational Meeting 11-5-19 at 6 p.m. at the Jay-Westfield Joint Elementary School: The Informational Meeting will be in Jay. The election results will be commingled with Jay.

B. Articles from Sandra Snyder: LaDonna gave the Selectboard copies of two articles from Sandra Snyder. One was on The Mystery of the Sliding Rock and the other on Phosphorus.

C. VLCT/PACIF Building Inspection Report: Yves reviewed the building inspection report with the Selectboard. The inspector does not want anything in front of the electrically boxes at the Town Office. There should be a three foot clearance in front and a three foot clearance to the sides. He is concerned about the drain in the Town Garage. The inspector asked Yves where Eric Kennison changes the oil in the grader. Yves stated the grader is backed out and placed in the other bay for service. The inspector wants a barrier to stop oil from getting into the drain. The floor is porous and needs a light coating to stop any leaking. Yves stated that the hazardous waste containers at the Town Garage need to be in the cabinet with MSDS listed sheets for all hazardous wastes. The Recycling Center was in good condition. Another recommendation from the Inspector is to create a secondary sand pile for citizens that come to pick up sand in five gallon buckets. This is to address safety concerns. The sand piles should have proper signage identifying who can use which pile. The push bar on the fire escape door at the Community Center is broken. The entire bar mechanism needs to be replaced. There is a step up in the vault at the Town Clerk's office that poses an increased risk for trips and falls. He suggested either visibility tape or paint, making the area more visible. The depth of the surface material covering the cement anchors on the swing set at the playground was inadequate in many locations. He recommended burying the cement pilings deeper with the mulch or removing the excess cement. The inspector also recommended replacing the existing chains on the swings with a special coated chain so children's little fingers can't get stuck in the chain openings.

D. Date for Budget Meeting: The dates of January 8, 2020 – 8 a.m. and January 23, 2020 – 8 a.m. were set for the budget meetings.

18. Adjourn: Following a motion by Anne and a second by Yves all were in agreement to adjourn the meeting at 8:35 p.m.

Westfield Selectboard Approval: Date: _____ **with** _____ **changes**

Yves Daigle, Chair

Jacques Couture, Co-Chair

Anne Lazor

Minutes submitted by: _____
Heather Johnson, Assistant Clerk

Reviewed/Edited by: _____
LaDonna Dunn, Town Clerk