

WESTMINSTER SELECTBOARD MEETING

WEDNESDAY, JULY 13, 2022

Westminster, VT Town Hall and remote through FACT TV

Selectboard Present: Jason Perry (Chair), Katrina Hamilton (Clerk), Kevin Hughes (Vice Chair), and Craig Allen

Staff Present: Alison Bigwood (Interim Town Manager/Zoning Administrator), Charles (Chuck) Lawrence (Road Foreman) Millie Barry (Clerk), remote: Pauline O'Brien (Town Clerk)

Others Present: Nancy Dalzell, Jim Matteau, Heather Taylor, John Todd, Bob Gay, Todd Eastman, Kirsten H. Jeppeson, Mary Wilson, Dan Crocker, Dan LaBarre, Jason Smith, Robert Wickberg, John Ewald, remote: Alice Caggiano

- 1. Call to Order:** The Chair called the meeting to order at 6:32 p.m. Information to access a future meeting using a remote connection is available on the FACT TV Facebook page, the Town of Westminster website or by calling the Westminster Town Hall.
- 2. Adjustments to Agenda:** None
- 3. Acceptance of Minutes:** June 22, 2022 - Craig Allen motioned to accept the minutes as written. Kevin Hughes seconded, motion carried by 4-0 voice vote
- 4. Communications and Public Comments:** John Todd/Heather Taylor - Trail versus Class 4 Road (Class 4 road and trail policy included in Board packet) - John Todd a resident of Windmill Hill Road South addressed the Board expressing gratitude for the work the Board did in service to the Town. He said at the last meeting there was some misrepresentation from Dan Crocker when he talked about a Class 4 road and requested permission from the Board to do improvements. The road, since 1949 is identified as a legal trail. This classification shows on the Town maps as well as the VTRANS (Vermont Agency of Transportation) maps. On June 22 when the Board gave approval for improvements on a Class 4 trail the work had already been accomplished in some significant part. The request for 600' of improvements was to allow for logging. Mr. Todd said on July 12 more work was accomplished beyond the 600', specifically 900' beyond what was approved. Mr. Todd indicated he was representing six households in the neighborhood with concerns the work being accomplished on the legal trail, pulling out bedrock, ledge and dropping gravel was turning it into the appearance of a Class 4 road. The trail leads to the Pinnacle trailhead where there is a lot of parking, turning the trail into a 'through way' to achieve more access. The work was accomplished above and beyond what was requested, and approved by the Board changing the inherent quality/value and character of the area. Todd Eastman, a resident of Windmill Hill South had concerns about the authorized vehicle only sections of the legal trail. In 2020 there were issues of motorcycles coming through and neighbor concerns were when did the legal trail become a driveway? Jason Perry said there was no intention, as far as he was concerned, to change the legal trail to a Class 4 road. Dan Crocker apologized for

the situation. His intent was to make a living as a tree farmer and sugar maker. He noted the previous town manager indicated the road was a Class 4 road and the manager told him he could do what he wanted to the road. He said he had added two loads of gravel and replaced a culvert that was not safe. In addition, he noted there was basically no difference between a Class 4 road and legal trail. By State law the Town was not obligated to do anything on a trail, there are slight obligations for a Class 4 road. He continued if there was an abutter on a Class 4 the abutter has legal access to the road. His intention was to get the logs out, apologizing for the noise. His intent was to do the right thing with no intent to cause trouble. He has spent a lot of money on erosion control maintaining the trails, letting people bike and walk the trails. Mr. Crocker believed he had the legal right to do the work done. Mr. Perry respectfully disagreed with Mr. Crocker doing the 'right thing' as he had gone beyond what he had come to the Board asking to do. He had 'ruffled a lot of feathers' and this was not necessary. Doing the right thing and having the legal right to do something were two different things. Heather Taylor said she and other neighbors appreciated what Mr. Taylor did conserving land, had no problems with logging and wanted to remain on good terms. Their problems was there was no process or permission and people did not know what he was doing. Craig Allen noted that often, especially out of state residents, realized there is an improved legal trail, they would use four wheeled vehicles and motorcycles to gain access. The Board had granted permission to improve 600' and it sounded like Mr. Crocker had abused (not intentionally) the approval granted. He didn't believe Mr. Crocker's actions were correct without coming back to the board seeking additional approval to improve further distance. Mr. Crocker apologized saying he made a mistake not realizing he had gone past the 600'. Mr. Allen suggested the Board visit the site and Mr. Crocker come back with a plan to put back what had been done without approval. Mr. Perry said he had visited the north end and Mr. Crocker agreed to seed, mulch and add water bars to deter vehicular traffic. Mr. Todd added his belief it was possible to bring logs out on the north end and the improvements made, chopping the ledge, were to improve the area as a thorough fare. Kevin Hughes noted Mr. Crocker's commitment in preserving 300 acres with the land trust. He said the Town and Mr. Crocker's neighbors were incredibly lucky to have the 300 acres to use. He noted Mr. Crocker said he was sorry, suggesting as the Town had no formal venue of mediation, Mr. Crocker meet with his neighbors to possibly restore the site and also restore a sense of balance/harmony (neighborliness) to come to a resolution with his neighbors to repair the friction. Mr. Todd and Mr. Crocker disagreed regarding the area Mr. Crocker had changed beyond the 600' approved. Mr. Allen asked it be noted in the meeting minutes the Board would visit the site and the item would be included on the next meeting agenda for discussion. Mr. Eastman felt it was fair to request as much restoration of the site as possible when the logging was done, grass be planted and litter be cleaned up to restore the area to a recreational trail. Heather Taylor noted there were multiple points of contention and if there was a promise or statement made was it likely things would stay the same or change. Mr. Hughes pointed out the

Board could say ‘stop’ but they had limited jurisdiction or compulsory power in the matter over land or a private landowner. He believed all involved had the ability to work together, to communicate and collectively understand if there were problems going forward they could come to the Board to discuss the issues. Mr. Crocker had come and acknowledged he had done something he shouldn’t have done. The best opportunity was to attempt to communicate to make things work. Mr. Todd noted it was not the neighbors’ duty to make things work if Mr. Crocker had exceeded what had been approved. He said there was a misrepresentation on June 22 that allowed the work to proceed. If neighbors had been present at the June 22 meeting they could have offered input. Mr. Allen stated Mr. Crocker would come back to the Board with something in writing and the Board would make a decision. Mr. Hughes apologized for his part not visiting the site or due diligence at the time. Going forward it was important to communicate and attempt to fix the problem. The Board agreed to visit the site.

In another matter: Jim Matteau addressed the board regarding the ARPA (American Rescue Plan Act) funds (approximately \$40,000.00) the Village of Westminster received. VLCT (Vermont League of Cities and Towns) has confirmed the Village was not eligible to receive the funds, the trustees have voted to return the money and informed VLCT the monies would be returned. Mr. Matteau said the Village trustees have voted to dissolve the Village government. They will work with the Town using advice from legal council and Windham Regional Commission to proceed with the process. Alice Caggiano said the Village government was formed to create the volunteer fire department. Her understanding was if the Town no longer supported the fire department, the equipment and building would revert to the Village of Westminster. She questioned if the fire department was involved in the dissolution of the Village government. Mr. Matteau said the fire district serves the entire Town, there was a deed with legal specifications and the change would be made legally so the department did not revert back to the Village in the instance there was no longer Town support.

In another matter: Robert Wickberg questioned the Board regarding the status of Hartley Hill Road. Mr. Perry said his last correspondence with Attorney Slason was about two months ago. At that time, Fletcher Proctor was working on finding a surveyor to survey an area Slason had requested. Mr. Perry will follow up with an email to both attorneys.

5. Unfinished Business: (Discussion/Action)

A. Route 121 Bridge - Bridge Information included in packet from State of VT Structures Design Section) - Mr. Perry said the State was seeking a letter of support from the Town on their preferred option. Number 2 of the three options is the State of Vermont proposed option where the deck width will not change from the original proposal, the abutments will remain the same, new steel will be used and include some pier work. Chuck Lawrence said the timeline would remain the same in all three options. Mr. Perry noted he and the road foreman

had drafted a letter to continue moving with the project. He said all three options were expensive but the second option would give the Town 80-100 years of use and the steel was coated requiring less maintenance in the future. Mr. Perry read a letter from Vernon Temple (included in Board packet) stating a closure of 18 months was unreasonable as this increased safety concerns including the detour of buses, access to health services and commerce for all towns involved. Mr. Temple requested the board consider a temporary bridge to ensure continued access as route 121 was a main thoroughfare. Mr. Perry said a temporary bridge would add an exponential amount of expense to the project. After further discussion regarding closure time and availability of material, Mr. Hughes made the motion to formally accept Option 2 as presented in writing by the State of Vermont, Highway Division, Structures Design Section, July 5, 2022 submitted by James B. McCarthy, Structures Project Manager. Mr. Allen seconded the motion and asked if the Town could send a letter to neighbors on the east side of the bridge as well as neighboring towns impacted by the bridge regarding the status of the work. Motion carried 4-0. There will be an article published in the Westminster Gazette about the status of the work. Pauline O'Brien questioned if a weight restriction for the bridge was necessary due to the condition of the bridge and daily use by heavy equipment. Chuck Lawrence will follow-up with Mr. McCarthy.

B. Conflict of Interest Policy: Mr. Hughes said very good headway was being made on the policy. He requested to table the discussion to a time when more interested people were available to discuss the matter. The Chair agreed to table the discussion to a future date.

C. Tax Rate Approval (2022-2023 tax rate information included in Board packet) - Alison Bigwood told the board the difference in this and last year's rate was due to the education tax coming in to make the homestead rate lower by about .20 (cents). Ms. Bigwood noted the Board had the option to charge 8% if the Homestead declaration is not filed on time. She suggested not charging a penalty. Mr. Allen noted the grand list total amount decreased for the third year in a row. Mr. Allen motioned to approve the 2022-2023 tax rate Homestead \$2.3398 and Non-Homestead \$2.3828. Mr. Hughes seconded, motion carried 4-0 by voice vote. Mr. Allen motioned to charge 0% (zero percent) fee for 2023 late Homestead filing. Mr. Hughes seconded, motioned carried 4-0 by voice vote.

6. New Business: Discussion/Action

A. Hazard Mitigation Plan Adoption - Plan included in Board packet - Mr. Matteau noted the Village had approved the plan June 30, 2022. Mr. Allen motioned to approve and adopt the local Hazard Mitigation Plan for the Town of Westminster as presented July 13, 2022, Mr. Hughes seconded, motion carried 4-0 by voice vote.

- B. Financial Position Discussion: Mr. Hughes noted he would get a description to Ms. Bigwood by Friday. Ms. Bigwood said after research with other area towns, the financial position could be combined with lister or other duties to make the position full time and qualify for benefits. This item will be discussed at the next Board meeting.
 - C. Listers Discussion: Mr. Perry said there was nothing personal in saying the Board had received information there was a lack of coverage in the lister's office. Ms. O'Brien said it had been many weeks without a lister being present in the Town office. She noted she was trying to cover taxpayer need/requests and wasn't sure she was meeting the requirement. She added there had been a lack of training opportunities for new lister John Ewald. Ms. Bigwood noted her belief listers were very important to the Town. Katrina Hamilton said VT had an assessors and listers association for a \$50.00 fee to join. Courses were offered and paid for by the SOV and those courses not covered were about \$100.00. Mr. Hughes said he appreciated everything Mr. Ewald had done/was doing. Ms. O'Brien said processing property transfers was an important function and he would be training with Rachael Cohen soon. Mr. Ewald understood the Town assessor was the only person to change an assessment. He said he could take courses but wasn't sure he was cut out to sit in an office in front of a computer. He believed listers should be checking the assessor and assessment for correctness and or to correct possible error. Mr. Perry said it was his opinion if there was work to be done, there was not an issue to use hours to do the work, there was no limit to the number of hours. Mr. Ewald stated he is willing to give the Town time and really wasn't really interested in being on the payroll. He would seek training and advice to do the work.
 - D. Town Manager's Report: Ms. Bigwood confirmed the trash tags were out and the task was a lot of work. She said everyone in the office helped to get tags out.
 - E. Executive Session: Mr. Allen motioned to go into executive session to discuss a personnel evaluation. Mr. Hughes seconded, motion carried by 4-0 voice vote.
- 7. **Boards, Committee and Commissions:** None
 - 8. **Other Business:** Cemetery Deed - (information included in Board packet) - Mr. Hughes motioned to approve the cemetery plot for Benjamin L. and Barbara Dow in Westminster West cemetery section B row 14 as written. Mr. Allen seconded, motion carried 4-0.
 - 9. **Date of Next Meeting** - July 27, 2022 at 6:30 p.m.

The Board moved to executive session at 8:06 p.m.

The Board reconvened regular session at 8:41 p.m. There was no action taken.

- 10. **Adjournment:** Kevin Hughes motioned to adjourn at 8:41, Mr. Allen seconded, meeting adjourned by 4-0 voice vote.

Clerk

Date