

**TOWN OF WAITSFIELD, VERMONT**  
**Selectboard Meeting Minutes of**  
**Monday, June 10, 2013**

**I. Call to Order:** The meeting was called to order at 6:30 p.m. by Paul Hartshorn at the Waitsfield Town Office.

**Members Present:** Paul Hartshorn (Chair), Bill Parker (Vice-Chair) Logan Cooke (arrived 7:25pm), Scott Kingsbury, Chris Pierson.

**Staff Present:** Valerie Capels, Town Administrator; Marie Leotta, Dog Warden; Sarah Loveless, Recording Secretary.

**Others Present:** Bob Burley, Larry Corthell, Ben Cudd, Sue Dillon, Henry Erickson, Darryl Forrest, Bill Gallup, Sandy Gallup, Barbara Gulisano, Sam Gulisano, Josh Hanford, JuliBeth Hinds, Tony Italiano (MRVTV), Peter Lazorchak, Leo Laferriere, Marie Leotta, Lisa Loomis (Valley Reporter), Bill Maclay, Fred Messer, Amy Macrellis, Michelle Metzler, Jerry Miller, Brent Pearson, John Reilly, Peter Reynells, Joshua Schwartz, Steve Shea, Brian Shupe, Kirsten Siebert, Ellen Strauss, Carla Straight-Messer.

**II. Scheduled Appointment.**

Michelle Metzler appeared before the Board to interview for the Dog Warden position. Marie Leotta has submitted a letter of resignation from this post, and has offered to assist the next Dog Warden in a volunteer capacity.

Ms. Metzler lives in Waitsfield, has experience working with dogs, and wants to give back to her community. She is willing to impound dogs and/or fine owners and be persistent in pursuing enforcement steps, including ticketing owners. Ms. Metzler has not had a chance to read the dog ordinance, but will do so. She drives a Subaru Outback, which can accommodate the transport of dogs.

Mr. Pierson said that he spoke with Dr. Hadden, who fully endorses signing a contract with the Humane Society. Dr. Hadden has found that most lost dog owners call him after hours, when he is unreachable. Mr. Messer suggested that the title be changed from Dog Warden to Animal Control Officer. He and Ms. Straight-Messer have had an issue with dogs being off leash chasing livestock on their property, and would like to see a leash law implemented. Currently, the law requires owners to have control of one's dog via verbal command, but this is seldom effective.

The Selectboard thanked Ms. Leotta for her three years of service.

**III. Regular Business.**

**1. Public Forum.**

Jerry Miller asked for clarification regarding why the burial of the generator line at the Elementary School was completed during the winter. Mr. Hartshorn acknowledged that the wire should have been buried when the switch was installed, though it is unclear whether the line was buried in a shallow trench because the ground was frozen. There was discussion regarding what process will be followed to rebury the wire.

## **2. Town Office Relocation: Update on Survey, CDBG-DR Grant, Next Steps.**

Ms. Capels provided a copy of the grant award letter from the Community Development Block Grant (CDBG) program. As requested by the Selectboard, Josh Hanford, Director of the Vermont Community Development Program, was present to answer questions regarding the grant award, processes and timelines.

Mr. Hanford explained that the CDBG administers the block grant program and the grant that has been offered is limited to the Farm Stand location. A deadline of October 15, 2013 has been set for the Town to meet all pre-award conditions, including a successful bond vote and completion of the environmental review.

Mr. Hanford explained that if the Town chooses to pursue another site, the Town may submit an amended application, but there may be a different outcome. He addressed specific challenges with the Methodist Church site, particularly that it is currently occupied and is subject to federal regulations for relocating tenants under the Uniform Relocation Act (URA). Sufficient costs and a timeline plan associated with the URA were not included in the original application; he explained that a relocation plan must be completed before a grant could be offered. The relocation process can take as long as six months and delay the project considerably. In addition, there is currently no purchase option for the Church site; site control must be secured before a grant can be offered. If these conditions were met and a new application was submitted, it is unclear how it would compete with other applications that would be under review during that point in time. If the Town chooses to submit an amended application for the Church, it would relinquish the grant offer for the Farm Stand site and would essentially start from scratch. If a grant was to be awarded for the Church site, the allocation amount may also be changed.

Mr. Hanford said that there was \$3 million originally allocated to the municipal infrastructure grant, and there is currently \$56,000 remaining. There is also a \$2 million contingency that can be reallocated and awarded to applicants. The number of applications will vary, but he did note that there will be an application from Moretown for approximately \$800,000 at the July Board meeting, which may come out of the contingency fund. The Board has also received several planning applications from other towns.

There was discussion regarding the possibility of submitting two applications simultaneously—one for the Church site and one for the Farm Stand site. Mr. Hanford said that it would be very unusual for the body to approve applications for two locations, largely because the town would have to pursue an environmental review for each site, which would be expensive and time consuming.

Mr. Pierson asked how much weight historic preservation has over new construction, but Mr. Hanford said that he wasn't able to predict this. Mr. Burley stated that the revised Farm Stand plan should be subject to public discussion at a public hearing. The Board was reminded that statute restricts voting on the same item more than twice in one year.

Mr. Hanford clarified that the grant has been approved up to a maximum of \$750,000. If the project costs are reduced, the CDBG could decrease the grant amount proportionally. They will usually wait until the end of the project to adjust the amount of the grant. He did state that there are some instances when the grant body does not require proportional reimbursement and the full amount is granted.

Mr. Parker inquired about the cost that federal requirements associated with the grant ultimately add to total project costs. Mr. Hanford said that the environmental review process usually runs approximately \$5,000 per site. In addition, labor wages must comply with the Davis-Bacon Wage Act, which usually adds approximately 2% to total expenses because of administrative costs. Mr. Parker asked if the Town will be obligated to accept a low bid. Mr. Hanford said that there are federal procurement requirements that require acceptance of the lowest reasonable bid, but there are some exceptions. The Town must document the reason(s) why the lowest bidder was not chosen. Finally, if any part of the project needs to be adjusted after bids have been received, the project must be put out to bid again. Mr. Hanford clarified that soft costs for environmental studies, planning, program delivery, program engineering and design, and marketing and outreach that are incurred after the award date of May 10, 2013 are reimbursable. If the Town was to pursue the Church site, these costs would not be reimbursable until an award was made.

One resident asked if there are any possible scenarios in which the grant may not be awarded based on the results of the environmental review. Mr. Hanford said that if the site was found to be within a floodplain, if development of the site might contribute to pollution or negatively affect the surrounding areas, or if something was found that was very out of the ordinary, this might cause delay. He noted that there is a public comment period required following the Finding of No Significant Impact when the public can weigh in their concerns.

There was discussion about when a bond vote should be scheduled. Ms. Capels noted that a bond vote/ special Town Meeting planned for September 10, for example, would require the 30-day notice to be published on Thursday, August 8, which would require a final decision on a bond warning, and any other Town Meeting articles, at the Selectboard's July 22 meeting, unless special meetings are held. Mr. Kingsbury asked if it would be best to pursue a vote during the summer, and the pros and cons of this were discussed.

Mr. Burley presented a resolution from the Historical Society supporting the Church renovation. Ms. Capels said that the Church renovation can still happen; it can be done within the private sector. Ms. Siebert said that the Church has not gotten a fair chance.

**MOTION:** Mr. Cooke made a motion to schedule a bond vote for up to of \$650,000, which represents the \$1.3 million cost of the project minus the cost of the grant plus \$100,000 in contingency. Mr. Parker seconded. All voted in favor, none opposed.

**MOTION:** Mr. Hartshorn made a motion to schedule a bond vote for September 10. Motion was not seconded. No action taken.

MOTION: Mr. Cooke made a motion to schedule a bond vote for August 13. Motion was not seconded. No action taken.

MOTION: Mr. Kingsbury made a motion to schedule a bond vote for July 30. Mr. Cooke seconded. All voted in favor, none opposed.

### **3. Bridge Street Conduit Installation Follow-Up.**

Ms. Capels explained that she has had communications with Brian Dooley of Green Mountain Power and Jim Urquhart of Waitsfield Telecom to gain a better understanding of the costs and other logistical issues associated with the subsequent phase of placing the utilities underground and the costs associated with the first phase of installing the conduit underground. Mr. Dooley quoted \$71,697 in anticipated costs associated with the later phase of placing the GMP utility lines underground and removing two poles, but Ms. Capels does not have updated estimate for costs associated with this initial phase of placing the conduit underground. Waitsfield Telecom is concerned with the expected location of the pole; if the poles must be moved, it is very expensive to relocate their wires.

It has been determined that the pole at the top of Bridge Street does not necessarily have to move; wires can cross under Route 100 diagonally. The additional weight on the pole will require more support from a longer guy wire and/or an additional pole. The sidewalk/ grass area may have to be extended in order to place a guy wire where the road is currently. This would eliminate a parking space and narrow a driveway that trucks regularly use to turn around before the bridge, which might prove to be problematic.

Mr. Kingsbury reported that at Town Meeting, Mr. Hosford estimated that the costs of Phase 2 would run approximately \$52,000. Mr. Parker pointed out that there is a 33% tax for such projects. Ms. Capels confirmed that this tax is included in the estimates that have been provided.

Ms. Capels reported that it does not appear that the Covered Bridge and Bridge Street stormwater project will be able to go out to bid this year. The issuance of the categorical exclusion (CE) from VTrans continues to be delayed. It must be obtained before the final plans can be submitted for final review and the project can go out to bid. Mr. Kingsbury said that this gives us time to get a better picture of the costs and to represent it to voters for next year. Ms. Capels will follow up with VTrans.

There was discussion about whether the Board is required to move forward with the project because the voters have approved the funds. Mr. Parker pointed out that the voters' sentiment expressed at Town Meeting was to improve the streetscape. Mr. Pierson pointed out that a substantial amount of time was spent discussing this at Town Meeting Day, and voters were not provided with all the information necessary to make a decision. Mr. Parker suggested waiting until all the necessary information is available; there are a lot of unknowns regarding the cost of the project as well as the aesthetic results. Ms. Capels said that there is the option of posing the question to voters again at the special Town Meeting, and believes that this item would require a floor vote, but she will confirm this. Mr. Kingsbury asked if it is possible to get a sketch of what the final result will look like.

MOTION: Mr. Cooke made a motion to present this item to voters at the Special Town Meeting on July 30. No second. No action was taken.

#### **4. Update on Design Plan for Former Birke Studio Site Park.**

Ms. Capels provided members of the Selectboard with an excerpt of the DeWolfe Engineering riverbank stabilization plan as it relates to the former Birke Photo Studio site adjacent to Bridge Street. The site was included in the stabilization plan and includes the removal of the concrete foundation and stabilization with type IV rock. The plan meets local zoning and floodplain requirements, has received Army Corps of Engineers approval, and is almost ready to go out to bid. If the entire project falls within the budget of the stabilization project, it is possible it could be entirely grant-funded. Next steps include obtaining easements and then putting the project out to bid. Mr. Kingsbury expressed concern with the plan to remove the concrete slab, as it seems to add stability. He would like to see the park remain elevated to withstand floods, and feels that it should not include grass.

Mr. Parker suggested we solicit designs or implement a task force so we have something to work with. Dave Sellers of the Madsonian once proposed to prepare a design; perhaps he may be interested in pursuing this.

MOTION: Mr. Parker made motion to move this to a design effort that includes the public and neighbors to be headed by Mr. Pierson. Mr. Hartshorn seconded. All voted in favor, none opposed.

#### **5. VTrans 2013 Bicycle and Pedestrian Grant Program: Waitsfield Village West Sidewalk Phase 2.**

Ms. Capels reported that the Vermont Agency of Transportation is soliciting applications for projects through its 2013 Bicycle and Pedestrian Program, which provides funding for either the scoping or design/construction of bicycle lanes, bicycle shoulders, sidewalks, pedestrian crossing improvements and signals, improvements that address requirements of the ADA, shared use paths, and pedestrian scale lighting. Phase 2 would extend the sidewalk from Farr Lane through the Wine Shop. There is a conceptual design and scoping report that was approved by the Selectboard in 2011. The Mad River Planning District, Mad River Path Association, and CVRPC are prepared to assist with the preparation of the application. Ms. Capels expects there will be considerable competition from other communities seeking a share of the \$4 million available. There is no cap on the amount of funds applicants can request. A match commitment of 10% of project cost is required for the application. The application deadline is July 26.

A preliminary budget estimate of \$396,950 was prepared by the CVRPC for a project that includes design, engineering, permitting, and construction of 755 feet of concrete sidewalk from the Valley Players to Farr Lane, granite curbing, stormwater management, landscaping, construction inspection, contingency, and a municipal project manager. The Town's 10% match would be \$40,000 from the Route 100 Transportation Path/Sidewalk Reserve Fund. If awarded, the project would probably not be ready for construction before 2016.

Mr. Cooke asked for confirmation that this would not require the removal of signs in this area. It was decided that the application should be addressed first to secure funding before these logistical concerns are addressed.

MOTION: Mr. Parker made motion to submit a letter of support and match commitment. Mr. Kingsbury seconded. All voted in favor, none opposed.

#### **6. Request for Replacement of Driveway Culvert on Floodwoods Road.**

The Town received a request from Brent Pearson of Floodwoods Road that the Town reinstall the culvert at his driveway, which has shifted position since it was installed by the Town approximately 8 years ago, making it difficult to pass and plow in the winter. Records are not available to confirm when the repair was done. Mr. Kingsbury maintained that this is not the Town's responsibility and worried about setting a precedent if the Town replaced the culvert. Ms. Capels said that the Road Commissioner requested this item to be tabled, but it was decided that the discussion should continue.

Mr. Parker asked if there is a procedure for keeping records for road maintenance projects. Ms. Capels said she and Rodney have begun to work on this.

MOTION: Mr. Kingsbury made a motion to reject the request to replace the driveway culvert. Mr. Cooke seconded. All voted in favor, none opposed.

#### **7. Update on VTrans-Funded Joslin Hill Culvert Replacement.**

Ms. Capels provided a copy of an engineering report from DuBois & King that was received in January 2013 for the repair of the Joslin Hill Road culvert. FEMA has offered to pay up to 90% of \$99,900 (\$89,910), the cost they have determined would be eligible of the \$165,000 project. The remaining costs were determined to be ineligible for the grant because they include repairs in addition to the culvert.

MOTION: Mr. Cooke made a motion to approve the proposed scope of work as presented. Mr. Parker seconded. All voted in favor, none opposed.

#### **8. Update on VTrans-Funded Brook Road Culvert Replacement.**

The VTrans structures grant that was received in 2011 for the Brook Road culvert project required completion by July 21, 2013. Ms. Capels has requested an extension and, if awarded, the Town has an opportunity to complete the project this year, but only if the Town quickly authorizes Camp Concrete to begin fabrication of the box culvert as a sole source bid in accordance with Section III.B of the Waitsfield Procurement Policy. Otherwise, the Town will lose its place in the production queue. The scope of the project has changed, and thus the cost has changed; the culvert needs to be placed 2-3 feet deeper than originally anticipated. Ms. Capels said that VTrans is also seeking additional funding for this increased cost.

MOTION: Mr. Cooke made a motion to approve Camp Concrete's cost proposal and authorize fabrication of the box culvert, pending approval of the extension. Mr. Parker seconded. All in favor, none opposed.

### **9. Decentralized Wastewater Project Update.**

Ms. Hinds was present to provide an outline of the key issues for the Selectboard's consideration, including a loan amendment application, proposed final design contracts from Stone Environmental, Birchline Planning, and Vanesse Hangan Brustlin, individual contract amendment agreements from Birchline, Stitzel, Page & Fletcher, and McCain Consulting, final design engineering contracts, and New Final Design Engineering loan resolution.

Ms. Hinds said that the EPA issued a Finding of No Significant Environmental Impact (FNSI) on the community wastewater loan fund program, which now allows the Town to access STAG reimbursement funds. She noted that \$906,000 is eligible for reimbursement. She explained that in January, the Selectboard approved a proposed amendment that authorized an additional \$13,000 to cover hydrogeology and completion of the Environmental Information Document (EID), but this amendment has not yet been submitted to Vermont Agency of National Resources (VANR), and additional costs have been incurred to get the project through the FNSI and loan document/ letter of intent approvals; an additional amendment authorizing \$12,075 is being requested. Approving the amendment to cover these additional costs would allow the planning portion of the loan to be closed out. The total loan balance will be \$233,201, which will start in prepayment in 2015 at 2% interest.

Ms. Hinds noted that not all of the contract amendment and final design contracts are available for review and action. They will be brought to the Selectboard at a subsequent meeting.

There was discussion about the capacity for the pilot system. Ms. Hinds said the final capacity will be determined in the final design process. Further exploration can be done on many sites. Mr. Kingsbury would like to explore options for adding capacity; Mr. Shea said that this is on the list of next steps. There was discussion about performing a trench test as a next step to help determine capacity of the field. Ms. Capels asked where the water would be sourced from. Mr. Lazorchak said it is either trucked in or an arrangement would have to be worked with the Town. The proposed cost of the trench test includes an allowance for 6,000-8,000 gallons of water.

MOTION: Mr. Cooke made a motion to approve and authorize execution of the loan document. Mr. Pierson seconded. Mr. Parker abstained. Mr. Cooke, Mr. Pierson, Mr. Hartshorn and Mr. Kingsbury voted in favor, none opposed.

### **10. Bills Payable & Treasurer's Warrants** were paid.

### **11. Minutes.**

There was discussion to clarify actions decided upon at the last meeting regarding the reburial of the wires at Waitsfield Elementary School. Ms. Capels will contact Brook Field Service for more information on why the wire was buried in a shallow trench before the Board discusses proceeding with reburial.

MOTION: Mr. Kingsbury made a motion approve the minutes for May 28. Mr. Parker seconded. All voted in favor, none opposed. Mr. Cooke was absent for this vote.

## **12. Selectboard Roundtable.**

Crosswalks. Mr. Parker inquired about the process to request a crosswalk. Ms. Capels said that VTrans has a review process for this, and there are a number of criteria that must be met. For example, a crosswalk at the Slow Road near The Tempest Bookstore did not meet criteria for adequate sight distance toward Carroll Road. Mr. Kingsbury said he was approached by someone who suggested having flags for pedestrians to use while crossing. Mr. Parker suggested that additional crosswalks might have the effect of reducing speeding. Ms. Capels can be contacted by those who wish to pursue crosswalk requests.

Tree Removal at The Pines. Mr. Pierson asked who owns The Pines, as there are a number of trees that need to be taken down, but was told that it is privately owned.

Diving Platform at Lareau. Mr. Kingsbury reported there is a diving platform that must be removed at the Lareau Swim Hole. Ms. Capels will contact the landowners and see if they will cooperate with efforts to remove the platform and/or trees.

Click-It or Ticket Stops. Mr. Cooke reported that he was informed about an incident that occurred during Click-It or Ticket stops. The Orleans County Sheriff was stopping traffic in front of a local business, and the business owner requested that they not pull people over onto business property. The request resulted in an altercation in which a taser was pulled. Ms. Capels said that Sheriff Hill should be contacted.

Advanced Notice for Roundtable Topics. Mr. Hartshorn requested that Selectboard members give Ms. Capels advanced notice on topics that will be discussed during Roundtable so she can have pertinent information available.

## **13. Town Administrator's Report.**

Sidewalk Project Meeting. Ms. Capels provided an update on the sidewalk project meeting regarding the relocation of the utility poles. Participants arrived at a solution in which an additional pole would not be required. It was decided that a pole near Chris Pierson's property will be moved, and the pole behind Jay Higgins' property will be replaced with a one that is higher. Everyone at the meeting seemed to be satisfied with this arrangement. Several trees will have to be removed or trimmed, but apple or other flowering trees will be planted as replacements. The Town will be responsible to securing the necessary easements.

## **IV. Other Business.**

No other business was discussed.

## **V. Executive Session.**

MOTION: Mr. Cooke made a motion to go into Executive Session to discuss contract negotiations and personnel matters. Mr. Macrellis, Ms. Hinds, Mr. Lazorchak, Mr. Shea, and Mr. Schwartz were invited to attend. Mr. Parker seconded. The Board met in Executive session from 10:30pm to 11:20pm. Upon returning to open session, the following actions were taken:

MOTION: Mr. Cooke made a motion to appoint Ms. Metzler as the new Dog Warden. Mr. Kingsbury seconded. All voted in favor, none opposed.

**V. Adjourn.**

The meeting was adjourned at 11:25pm.

Respectfully submitted,

Sarah Loveless  
Recording Secretary

Reviewed by Valerie Capels  
Town Administrator