

**TOWN OF WAITSFIELD, VERMONT**  
**Selectboard Meeting Minutes of**  
**Monday, April 14, 2014**

**I. Call to Order:** The meeting was called to order at 7:00 pm by Paul Hartshorn at the Waitsfield Town Office.

Members Present: Paul Hartshorn (Chair), Logan Cooke (Vice Chair), Scott Kingsbury, Chris Pierson, Sal Spinosa.

Staff Present: Valerie Capels, Town Administrator; Carol Chamberlin, Recording Secretary.

Others Present: Chris Badger (Energy Coordinator), Nils Behn (Aegis Renewable Energy), Laura Brines, David Cain, Larry Corthell, Lisa Davis (MRV Chamber), Evan Detrick (DuBois and King), Will Flender (Mad River Path), Darryl Forrest, John Gallagher (Wine Shoppe/Another Man's Treasure), Steve Gladczuk (CVRPC), Barbara Gulisano, Sam Gulisano, Peter Hans (MRV Chamber), Tony Italiano (MRVTV), Betsy Jondro, Sally Kendall, Troy Kingsbury, Bonnie McTigue, Gaelic McTigue, Sara Reed, Joshua Schwartz (MRVPD), Sue Scribner (VTrans), Steve Shea (PC), Jennifer Stella (SRTS), Christine Sullivan (WES/PTA School Board), Nancy Turner, Stan Ward, Michael Ware, Rob White (VTrans)

**II. Regular Business**

**1. Public Forum.**

There were no people present for the public forum.

**2. Waitsfield Village West Sidewalk Phase II.**

In response to requests from various people and organizations, the Board reconsidered the construction/improvement of sidewalk along Route 100 between Valley Players and Farr Lane.

In response to Board members' concerns that this project may suffer from engineering changes and cost increases as did the sidewalk on the east side, Ms. Scribner noted that the earlier project was a very long-term project and thus went through so many changes. She also pointed out that her department does not perform full, detailed review of engineering plans; it is critical that engineering and design of a project be valid from the onset of the project.

One other Selectboard concern in undertaking this phase of sidewalk construction is impacts on the businesses along the section, including the ability for the Village Grocery (VG) to maintain its signage and entities such as The Wine Shoppe to not have parking spaces negatively affected. Mr. White explained that he has been working with Troy Kingsbury regarding the VG sign, making adjustments to property limits to allow for a sign to be located close to its current placement. Parking along the sidewalk will still be allowed, as is the case now; however, any parking spaces within the right-of-way cannot be designated as private parking for specific properties.

Troy Kingsbury said that he is encouraged by the State's apparent desire to find a solution that works for both parties, and at this point it appears there is a valid option for his purchasing a small space upon which he can locate his sign where its visibility will be satisfactory. He also pointed out that the retailers along this section of Main Street are hoping for some relief from constant construction, which they feel is hurting their business.

There was some discussion of the possibility of cost savings by undertaking the construction without using grant money. Ms. Scribner explained that up-front costs are more expensive when

receiving grant money, and that there is an alternative method known as ‘force account’ that may reduce costs. This method, however, has many hurdles and no town has been able to show enough cost savings to qualify.

Some design specifics were discussed, including the removal of granite curbing and adding on some length to make up for the shorter distance covered when taking curb cuts into consideration. It was explained that expenses may be adjusted as long as the project stays under the full amount; conversely, the entire amount of the grant does not need to be expended. If costs exceed the grant amount, an application for additional funds could be possible.

MOTION: Mr. Kingsbury made a motion to accept the VTrans West Sidewalk Phase 2 Grant and move forward with the next steps. The motion was seconded by Mr. Pierson. After further discussion of the reasonableness of the cost/foot and that the State standards are not above what would reasonably be included in the design, all voted in favor of the motion.

### **3. Consideration of DuBois & King (D&K) contract amendment: adjustments to Bridge Street projects scope of work.**

The Board sought clarification from Mr. Detrick of DuBois & King (D&K) regarding the time charged for removing the underground power detail from the Bridge Street plans. He explained there was not a final design that did not include the underground portion, as the Board had working to decide whether to include the underground work. Therefore, it was not a matter of simply reverting to an earlier set of plans. Board members recalled asking for the underground utility work to be a bid alternate that could easily be either included or excluded from the project, and as such felt that being charged for 34 hours of work to pull the detail out is unreasonable. Mr. Detrick explained that procedure calls for full plans to be developed for bidding purposes, including add alternates. Removing them at this point involved adjustments to all the other bid documents and plan sets.

Mr. Detrick further reported that final plans have been submitted to VTrans and draft contract documents are available for review. VTrans will respond by the end of April, final plans will be resubmitted with any adjustments resulting from the review, and it appears that bidding will be going out by the end of May and work will occur during July and August, during the necessary low-water time of year. The contract states that work must be done on or near September 26.

### **4. Continued discussion of the CEDF Community Solar and Wind program: Nils Behn.**

Mr. Behn explained that based upon further refining estimates of municipal and school usage, it was decided to reduce the size of the array from 120kw to 102.6kw.

Whether to apply for the full grant amount possible or to keep the request at \$80K was talked about. Mr. Behn believes that Waitsfield has a great story behind their proposal, especially with the resulting net-zero new town office building, but that others also have compelling stories. Thus he thinks it best to keep the request at \$80K. He also explained that engaging an investment partner would diminish the community support aspect of the grant request, and advised not pursuing that route at this time.

Timing of entering in a contractual agreement with Aegis was discussed, including the insertion of a contingency based upon either a successful bond vote or the awarding of the grant. There was agreement that the project should move forward regardless of the grant outcome.

The School has communicated that they are open to engaging with the Selectboard and are looking for a proposal to be considered. Mr. Kingsbury has had several conversations with officials from Warren who are also addressing the school/town electric relationship and the project's effects on school taxes. Christine Sullivan from the Waitsfield School Board was present, and explained that they are working to fully understand the implications. The School Board feels it is best to approach the matter on a yearly basis. Mr. Spinosa will work with the School Board to clarify details and put together an MOU. Michelle Baker at the Washington West Supervisory Union has draft MOU language available.

Mr. Behn provided further updates on the permit process, which is moving forward with the smaller array. He pointed out the tree clearing that will need to be undertaken, and spoke of the need for support from abutting landowners. Mr. Kingsbury offered to contact abutters. The logistics of allocating the electricity generated were discussed; it is best to keep the school building (largest load) at the end of the list as that will be simpler than having many small accounts to be divvied up. Mr. Badger will put effort into raising interest and participation in the bond vote.

#### **5. Request for waiver of zoning permit fee: Susan Lee Living Trust**

This request stems from Ms. Lee's ongoing zoning permit appeals and court decisions, which currently revoke and remand her permit, necessitating her third application for the same structure.

MOTION: Mr. Spinosa made a motion to waive the permit fee for Ms. Lee's new application for the existing house. The motion was seconded by Mr. Pierson. The motion failed, with Mr. Spinosa and Mr. Pierson voting in favor and the other members all opposed.

#### **6. Formation of Town Meeting working group**

One letter of interest had been received in response to an ad placed seeking volunteers for this committee. Other names were mentioned by Board members, with the goal of ensuring that the group represented various points of view on Town Meeting participation issues. Ms. Capels will place another notice in *The Valley Reporter* and Ms. Turner volunteered to post something on Front Porch Forum.

There was discussion about developing a clear charge for the Town Meeting Working Group or Committee, which may help people become interested in joining the committee. Mr. Kingsbury suggested that contacting the Middlesex group that formed several years ago to take a look at this issue might be a way to begin developing a charge for the group.

MOTION: Mr. Cooke made a motion to form a Town Meeting Working Group of at least five people to gather information on the state of Town Meeting and potential improvements to increase participation with a deliverable to the Selectboard before February 2015. The motion failed for lack of a second.

Chair Hartshorn was called out on a Fire Dept. call; Vice Chair Cooke resumed chairing of the meeting.

**7. Appointment of Town Service Officer.**

After hearing an explanation of the responsibilities involved, Ms. Kendall agreed to fill this position.

NOMINATION: Mr. Kingsbury nominated Sally Kendall to be appointed as Town Service Officer until April 2015. All voted in favor of the appointment.

**8. Bills payable and Treasurer's warrants.**

Ms. Capels noted that Treasurer Jennifer Peterson was out of the office unexpectedly and that warrants are not available. She asked that Board members stop in to the Town Office to review and sign them after she lets them they are available.

**9. Approval of March 4, March 24, and March 27, 2014 meeting minutes.**

MOTION: Mr. Kingsbury made a motion to approve the minutes of March 4, March 24, and March 27, 2014. The motion was seconded by Mr. Cooke. All voted in favor.

**10. Selectboard Roundtable.**

Spring sidewalk cleanup – Mr. Kingsbury raised the matter of cleaning the sand and other accumulated debris from the new sidewalk. Because the concrete needed a year to cure before applying salt during the winter, the build-up is more this spring than it will be in coming years. Board members discussed possibilities including having property owners take care of their segment or having volunteers clean up as part of green-up day; neither of these allows for transportation of the material to a fill site or other disposal location. It was agreed best to seek bids for the cleanup and removal.

GMP line clearing – Mr. Spinosa requested that the issue of Green Mountain Power (GMP) using herbicides rather than clearing by cutting be an upcoming agenda item. The Board agreed that this issue was a concern beyond Waitsfield and that gauging community concern with this issue is important, as well as determining how the Town should proceed, as the main transmission line crosses the new Town water source. It was tentatively decided to hold a special meeting on May 1 for a community discussion, with GMP representatives available if possible. [Staff note: This will instead be an agenda item at the April 28 meeting based upon subsequent consideration by the Chair, who had been called out on a Fire Department call prior to this discussion.]

Conflict of Interest – Mr. Spinosa reminded the Board to remember this policy when voting, and to help by reminding each other of the same to ensure that the policy is understood and complied with.

Board members were reminded that the MRVPD will be meeting on April 16th at 9 am for a discussion of economic issues.

**10. Town Administrator's Report.**

Ms. Capels reported that the upcoming weeks will be very busy as she will be spending much time on the grant application due May 9 and bond application for the solar installation project due May 15t.

**III. Consent Agenda.**

MOTION: Mr. Spinosa made a motion to approve the Consent Agenda. The motion was seconded by Mr. Pierson. There was some discussion regarding Famers' Market application and the need to assure dogs are leashed and there is to be no parking on the sidewalk during the Farmers Market. Mr. Pierson offered to act as liaison with the Market organizer. All voted in favor of the motion.

**IV. Other Business**

No other business was addressed at this time.

**V. Executive Session.**

MOTION: Mr. Kingsbury made a motion to enter executive session for the purpose of discussing contract negotiations. The motion was seconded by Mr. Pierson. All voted in favor. The Selectboard met in executive session from 9:55pm to 10:10pm. Upon returning to open session, the following action was taken:

MOTION: Mr. Spinosa made a motion to send a letter to DuBois & King regarding reconsideration of some elements of their proposed contract amendment. Mr. Kingsbury seconded. All voted in favor.

**VI. Adjourn**

The meeting was adjourned at 10:15pm.

Respectfully submitted,

Carol Chamberlin  
Recording Secretary

reviewed by Valerie Capels  
Town Administrator