

**TOWN OF WAITSFIELD, VERMONT**  
**Selectboard Meeting Minutes of**  
**Monday, April 28, 2014**

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

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

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

Others Present: Chris Badger (Energy Coordinator), Nils Behn (Aegis Renewable Energy), Michael Hawker, Eric Howes, Tony Italiano (MRTV), Ron Jacobs, Lisa Loomis (Valley Reporter), Ruth Pestle, Bert Steward (Green Mountain Power), Dave Desimone (Green Mountain Power), Todd White; Jarod Wilcox (Green Mountain Power)

## **II. Regular Business**

### **1. Public Forum.**

Nobody was present for the public forum.

### **2. Green Mountain Power (GMP) herbicide spraying.**

Three representatives from GMP explained line maintenance practices and answered questions from both Board members and public attendees. Procedures have evolved over the years, and herbicide spraying along utility lines is now targeted at specific species to not only eradicate tall growth but to also promote low growth and prevent the loss of wildlife habitat. Regulations are in place that provide buffer zones around surface waters and wells; at times GMP will increase those buffers where deemed important. They do not systematically test wells along their route, but over the past sixteen years have done random testing, none of which has shown well contamination. Products used are regulated by the EPA and must be registered in Vermont; the Agency of Agriculture is the agency responsible for regulation of buffer zones and other matters relating to herbicide application. The State has certified inspectors on staff who perform regular routine crew inspections; crew members are thoroughly trained, and GMP provides a full accounting to the Agency of all herbicides used.

Property owners may request that herbicides not be used on their land. In such cases GMP will use other methods, including mowing, cutting, and selective trimming. It must be the property owner that requests no use of chemicals; a town is not able to request blanket banning of herbicides on all lands under which an aquifer supplying municipal water is located. Mr. Wilcox stated that GMP was willing to listen to the Town's concerns, however.

Property owners wishing to not have herbicides sprayed on their land must contact GMP in order to be entered into their notification database. GMP will then not do any line clearing within 1,000 feet of that property until the owner is spoken to and a plan determined. Currently there is no line clearing scheduled for Waitsfield. Planned maintenance areas are determined each January and researched for buffer allowances, etc., in order to plan upcoming work.

### **3. Continued discussion of the CEDF Community Solar and Wind program: revised contract, cash flow projections, next steps.**

Mr. Behn reported on the site clearing necessary for effective installation of the array. Neighbor Ron Jacobs had expressed some concerns regarding any effect on his viewshed, but after seeing

the plan was assured that screening between his house and the panels would remain. Mr. Behn will also set up time for Aegis engineers to review site needs regarding drainage, clearing, and other aspects of the installation with Rodney Jones.

Strategies for demonstrating public support for the project, documentation of which will be included in the grant application, were discussed. These include signatures of abutters on a letter of support, submissions from students at the elementary school, a letter from Bill Maclay, letters from both the Select and School Boards, and indications of support from the general population.

Payback periods were discussed again. Chris Badger supplied monthly detail information regarding electricity production and use once the array is functioning. The project will show positive cash flow within a year if the grant is awarded; otherwise, unless the Town decides to sell renewable energy credits (RECs), it will take approximately twelve years to show a positive cash flow. The net cash flow will be positive in either situation. Selling RECs would prevent the possibility of portraying the Town as 'green' and the new offices as net-zero.

Mr. Behn had a draft contract prepared for Board review, and reported that there is currently an opportunity to purchase high-quality panels manufactured in Germany by a US-based firm at no increase in price from what has been estimated.

A final agreement between the Town and the School will need to be worked out. At this point both Boards are waiting to see the outcome of the grant application and bond vote before incurring legal expenses necessary for finalizing an agreement.

#### **4. Curb cut application: Michael & Anne Hawker, 40 Sugar Glen Road.**

Ms. Capels read the recommendation from Rodney Jones regarding this curb cut. Mr. Hawker explained that he has been working with Dave Knoop to make sure landscaping and culvert placement work correctly for drainage.

MOTION: Mr. Cooke made a motion to approve the Hawker curb cut to be created according to Mr. Jones' specifications and pending receipt of a zoning permit for the associated dwelling. The motion was seconded by Mr. Kingsbury. All voted in favor.

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

Nine people expressed interest in volunteering to serve on this group: Sally Kendall, Gary Kingsbury, Ted Laskaris, Deri Meier, Suzanne Peterson, Brian Shupe, Nancy Turner, Sheila Ware, Rob Williams.

MOTION: Mr. Spinosa made a motion to invite these nine people to be appointed to a Town Meeting Study Group and direct them to elect a leader. The motion was seconded by Mr. Cooke. All voted in favor.

**6. Authorize levy of penalty for non-licensed dogs.**

MOTION: Mr. Cooke made a motion to authorize levying of penalties for unlicensed dogs. The motion was seconded by Mr. Kingsbury. It was decided to change the ‘fine’ levied in the draft memo to ‘late fee’ or ‘penalty.’ All voted in favor.

The memo drafted to be sent to owners of formerly licensed dogs does not cover those who have never registered; it was acknowledged that this will be a more difficult group to address. Difficulties related to the effectiveness of the ticketing process in general were discussed, along with the possibility of having the judicial bureau involved in collecting fines. The first step necessary is the adoption of an ordinance outlining the process. A draft ordinance has been prepared and will be discussed at an upcoming meeting.

**7. Consideration of Brook Road Culvert Replacement bids.**

This item was discussed in executive session.

**8. Consideration of Tremblay Road Culvert Replacement bids.**

This item was discussed in executive session.

**9. Consideration of Culvert Replacement projects Clerk of the Works.**

This item was discussed in executive session.

**10. Consideration of Town properties mowing bids.**

This item was discussed in executive session.

**11. Consideration of sidewalk cleaning bids.**

This item was discussed in executive session.

**12. Bills payable and Treasurer’s warrants were signed.**

**13. Approval of April 14, 2014 meeting minutes.**

MOTION: Mr. Cooke made a motion to approve the minutes of April 14, 2014. The motion was seconded by Mr. Kingsbury. Mr. Spinosa felt that the statement “There was agreement that the [solar] project should move forward regardless of the grant outcome.” was inaccurate and should be deleted. Mr. Cooke amended his motion to approve the minutes without that sentence included. Mr. Kingsbury seconded. All voted in favor.

**14. Selectboard Roundtable (continued).**

Lareau Bridge – Mr. Cooke inquired as to the timeline of the bridge work planned by VTrans. Ms. Capels reported the work will be advertised in November of 2015 and completed in the summer of 2016.

Lareau Park – Mr. Cooke asked about progress on the renovation work to be done at the swim hole. Ms. Capels will be publishing a request for bids, which may be reviewed by the Board at the May 19 meeting.

Town Charter – Mr. Spinosa had reviewed the documentation related to the charter process and preliminary work for a Waitsfield charter. He proposed that initial charter development be focused on the primary issue of appointing rather than electing town officials, pointing out that other aspects may be included later through amendments. He was reminded that Bill Parker is willing to work on this issue; possibly Darryl Forrest is interested as well. It was suggested that there may be input from the Town Meeting study group, and that Board members might review other town charters and bring forth suggestions of items to possibly be addressed in the development of a charter.

Couples Club – Mr. Cooke noted that opening day for Little League will be May 10. He asked about the status of the water line construction. Ms. Capels said she has not yet been provided a schedule for the contractor's remobilization and she will follow up.

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

Upcoming meeting dates were decided upon. The informational meeting for the May 6 bond vote will be held on May 5. There will be a joint meeting with the Conservation Commission on May 19. No meeting will be held on May 26 due to the Memorial Day weekend.

### **III. Other Business**

No other business was before the Board at this time.

### **IV. Executive Session re contract negotiations.**

MOTION: Mr. Cooke made a motion to enter Executive Session in order to discuss contract negotiations. The motion was seconded by Mr. Kingsbury. All voted in favor. The Selectboard met in executive session from 9:05pm to 10:10pm. Mr. Kingsbury recused himself and left the meeting prior to discussion of the culvert replacement projects and mowing bids. Upon returning to open session, the following actions were taken:

#### **1. Consideration of Culvert Replacement projects Clerk of the Works.**

MOTION: Mr. Cooke made a motion to appoint Jim Sharpe as Clerk of the Works for the Tremblay and Brook Road Culvert Replacement projects at \$47 per hour with a cap of \$5,000. If additional funds are needed, Selectboard approval will be required. The motion was seconded by Mr. Spinosa. All voted in favor.

#### **2. Consideration of Brook Road Culvert Replacement bids.**

MOTION: Mr. Spinosa made a motion to award the Brook Road Culvert Replacement to Kingsbury Construction for the amount of \$58,313. The motion was seconded by Mr. Cooke. All voted in favor.

#### **3. Consideration of Tremblay Road Culvert Replacement bids.**

MOTION: Mr. Spinosa made a motion to award the Tremblay Road Culvert Replacement to Kingsbury Construction for the amount of \$83,734. The motion was seconded by Mr. Cooke. All voted in favor.

**4. Consideration of Town properties mowing bids.**

MOTION: Mr. Cooks made a motion to award the following contracts for mowing Town properties:

- Flemer Field to Eric Howes at a rate of \$80;
- Town Pond to Scott Kingsbury at a rate of \$70;
- Irasville sidewalk to Mad River Garden Center at a rate of \$50;
- The Common triangles to Allen Lawn Service at a rate of \$65;
- Lareau Swimhole to Scott Kingsbury at a rate of \$70; and
- The Wait House / Fire Station to David Wimble at a rate of \$75.

The motion was seconded by Mr. Spinosa. All voted in favor.

**5. Consideration of sidewalk cleaning bids.**

MOTION: Mr. Spinosa made a motion to award the contract to Kingsbury Construction for sidewalk cleaning for Spring 2014 for the amount of \$2,450. The motion was seconded by Mr. Cooke. The motion passed 2-1 with Mr. Hartshorn voting against.

**V. Adjourn**

The meeting was adjourned at 10:25pm.

Respectfully submitted,

Carol Chamberlin  
Recording Secretary

reviewed by Valerie Capels  
Town Administrator