

**SELECTBOARD MEETING**  
**January 28, 2016**

Present:        Alex Weinhagen                                Brent Meacham  
                     Dave Adams    Nanette Rogers  
                     Casey Mathieu

Guests:        See List

The meeting was called to order at 7:03 p.m.

**CHANGES TO AGENDA**

No changes were made to the agenda.

**PUBLIC COMMENT**

There was no public comment.

**MINUTES**

Dave Adams made a motion to approve the January 14, 2016 minutes as amended, seconded by Casey Mathieu. Motion passed: 3-0.

**FIREARM DISCHARGE ON TOWN PROPERTY, ROADS & TRAILS**

This is a follow up discussion from the August 13, 2015 meeting. Casey provided information on posting property in lieu of adopting an ordinance. The Town cannot post town trails. Property owners can post their property using one of three methods: 1) safety zone signs, 2) yellow signs (prohibiting hunting, fishing or trapping), or 3) no trespass. Property owners can also use these methods to post their property.

The safety zone signs are posted to prohibit shooting within 500 feet of an occupied structure. The yellow signs prohibit hunting, fishing and/or trapping on the entire property that is legally posted. A no trespass sign has more teeth and raises the level of violation from a civil to a criminal matter. Alex pointed out that posting no trespass signs is not an option given the trails and other town properties are for public use.

The Town can adopt a blanket ordinance on the entire town or an ordinance that specifies and describes the property it covers (town trail, town property, etc.). If the Town chooses the latter, each trail and parcel falling under the ordinance will need to be specifically identified. The land under town trails is not physically owned by the Town, it is owned by the property owner. If the Town adopts an ordinance for the trails, a person could easily step off the trail to discharge a firearm without violating the ordinance. Enforcement of the ordinance will be difficult because the ordinance does not prohibit someone from carrying a firearm, only discharging. If a firearm is discharged, evidence, if left behind by the perpetrator, is needed to enforce the ordinance therefore a quick response from the police is needed.

The Vermont League of Cities and Towns suggested the Selectboard thoroughly think through the possibility of an ordinance and discuss it with the Town's attorney before taking any action.

Barb Peck pointed out that the school and town buildings are automatically covered under the safety zone rules therefore would not need to be posted. Because the town common is within 500' of the town office, the common is also covered.

Alex stated he's still in the same place as he was in August. He favors a tailored ordinance for town trails, roads and property. This type of ordinance would speak directly to Joan Farmer's concerns. Casey pointed out that it doesn't keep someone from carrying a firearm and stepping off a town trail and discharging it. Alex feels enacting an ordinance would help those property owners, whose property is legally posted and borders a town trail. He feels the Town could use language from the Williston and Colchester ordinances to write one for Westford and identify the width of the trail the ordinance covers. He agreed that the topic is sensitive enough to engage with the Town's attorney to ensure there is no conflict with constitutional rights.

Casey noted that the Middlebury ordinance contains exemptions for certain times of year when you can shoot, such as during hunting season, and specifically identifies areas with GPS coordinates where discharging is prohibited. The ordinances for Essex and Williston refer to maps to indicate the areas that prohibit discharging a firearm.

Casey stated it is a sensitive issue and feels that Westford is a small town on the outskirts. He tried to think of scenarios where an ordinance would have prevented an event that occurred but could not think of any. VLCT advised Casey that it took many towns months, even years, to adopt an ordinance once the public got involved. Alex agreed and stated Hinesburg spent a fair amount of time and effort on an ordinance that did not get adopted.

Dave recalls last summer his concern being the effectiveness of the ordinance. In principal perhaps the Board could discuss having an ordinance but in practice it wouldn't do anything.

Alex feels an ordinance would be no less effective than pursuing the signage options. He knows it would be controversial and may be difficult but feels the Town would be doing its due diligence by letting people know that shooting from town property, roads and trails is prohibited. He suggested at the very least putting up informational signs even if they don't have enforcement power behind them.

Dave agreed stating that he was thinking that the Town could put up signs but not adopt an ordinance. At the least it would let people know the trail is public and the Town does not want discharging of firearms on the town trails for the safety of others.

Dave Tilton presented a scenario of a property owner whose deer stand is within the area of a town trail that falls under the ordinance. Alex advised that the ordinance could have exemptions for hunting season.

Barb Peck feels the ordinance would not be effective and create more problems than it would fix. She is in favor of putting up signs to deter people.

Ed Farmer disagrees and feels an ordinance has value when repeated incidents occur. Law enforcement would be in a better position to gain evidence and identify a person who has violated the ordinance. Barb disagreed stating she doesn't see where an ordinance in practice will do what everyone hopes it will do in theory.

Dave agrees with Barb that an ordinance in practice will not do much more than a having a sign representing the concerns and for property owners to exercise their right to post their property as discussed earlier. He feels the best solution is to put up signs and it's as good as it's going to get to take care of the concerns.

Ed agreed with the sign being as effective as anything from preventing the risk however there will be no recourse if a violation occurred.

Bill Cleary stated this discussion began with an isolated incident. He hasn't heard of any other incidents in Town.

Greg Baker spoke in favor of installing signage but not adopting an ordinance based on an isolated incident.

Wayne Brown feels this is a classic example of a single incident making a mountain out of a mole hill. He has lived in town for 33 years and has heard of one incident. An ordinance is not an appropriate response to an isolated incident; an ordinance looks like a solution in search of a problem

Dave stated that it's not that someone has brought this up and it's an isolated incident, it's something the Town should be considering; is it something we want or not. Even if there are no incidents, the Board should consider an ordinance because it's the right thing to do. Dave reiterated more on the side of no ordinance and put up signage but feels the number of incidents are irrelevant.

Eric Jacobsen has spent a lot of time on the Town trails and understands concerns surrounding the discharge of firearms. He stated this is a rural town and can expect that on any given weekend. What's the next step if we start having ordinances governing town trails? He agrees a sign asking for courtesy of trail users and identifying town trails as a public trail but does not feel an ordinance is the answer.

Ed Farmer asked what the risk is of an ordinance. Is it fear of a slippery slope?

Public comment was closed.

Dave is in not in favor of pursuing an ordinance. He is in favor of putting up signs on town trails. Casey agreed.

Alex disagrees and feels an ordinance makes sense. He sympathizes with Ed and stated how frustrating it must be for a property owner where a trail goes through or borders their property and there is no ordinance in place.

Since the majority of the Board is not in favor of pursuing an ordinance, Casey will begin working on the language and present it to the Conservation Commission for their review. Bill Cleary wants to make sure the language does not lean completely away from folks who like guns and hunting that use trails to access property.

#### **FY'17 PROPOSED BUDGET**

Alex advised that two items were added to the budget and were made known to the Board members when signing the warning on January 25<sup>th</sup>. Sixteen thousand five hundred (\$16,500) was added to the Administration Capital Budget to be used to the purchase of a new server and photocopier. An additional \$3,500 was added to the Rec Department's budget for capital expenditures. The resulting budget to be presented to the voters is \$1,849,500, of which \$1,485,872 to be raised by taxes.

#### **CAPITAL BUDGET**

Alex distributed the revised Capital Budget. He had several items to discuss with the Board members.

There is a question on whether a reserve fund has been established by the voters for the Rec Dept. and Library. Nanette could not find documentation that a reserve had been established for the Rec Dept. This is probably due to the fact that the Rec Dept. is supposed to be self-sustaining and when they requested funds a few years ago, this was overlooked. It is unclear if a reserve fund was established for the Library. The Library Trustees will be consulted.

Most of the funds in reserve accounts are spoken for – highway, fire department and library. Alex feels there is approximately \$19,000 in the Administration Reserve Fund that could be tapped. The funds were originally set aside for new carpet at the town office, landscaping on the common and funds toward expanding the town office. Given that the Town is trying to decide what to do with the town office, those funds could be used to offset items to be purchased in the very near future, such as the remaining funds for the server and copier that are to be replaced in FY'18.

The highway tandem trailer was identified to be replaced in FY17 however Brent did not feel it needed to be replaced yet. The item was moved to FY20. The highway garage roof was in the budget for repair work. This is not expected to cost much money therefore it will be removed.

The emergency generator and score boards located at the school are a shared expense between the school and Town/Rec Dept. When the use agreement is formed for the new school district, these items should be identified and the costs split equally between the school and town.

Alex feels the Town should look at a cost/benefit analysis between having a fire department (with associated costs and benefits) versus not having a fire department (with associated homeowner insurance increased costs, life safety costs and fiscal benefits). The Town invests considerable funds between capital purchases and annual operating costs.

The updated Capital Budget will be uploaded to the Town's website. The Selectboard will warn and hold the required public hearing on February 18<sup>th</sup>.

#### **WESTFORD LAND USE & DEVELOPMENT REGULATIONS**

The Board acknowledged receipt of the Planning Commission's revised draft of the Land Use & Development Regulations, formerly known as the Zoning & Subdivision Regulations. Alex felt comfortable with the draft regulations as submitted. Dave and Casey didn't have changes. The Board scheduled will warn and hold the required public hearing on February 18<sup>th</sup>.

#### **ROLLOVER OF 2015 HRA FUNDS**

In order for the Town to rollover funds for 2015 remaining in employee's Health Reimbursement Accounts, an amendment to the agreement with the vendor needs to be done. The cost to amend the agreement is \$250. It has been suggested that the remaining funds be returned to the Town as the agreement states and then disbursed to the employees. The Board would like to know if this can be done. Research will be done to see if there are tax implications and if IRS regulations allow for the Town to do this.

#### **HUMANE SOCIETY ANNUAL AGREEMENT**

The Chair signed the annual agreement with the Humane Society.

#### **LETTER TO PLACE COMMUNITY WASTEWATER SYSTEM ON STATE PRIORITY LIST**

Melissa requested approval from the Selectboard to submit a State Fiscal Year 2017 Municipal Pollution Control Project Priority List and Planning List application for 2018 to 2021 for a community wastewater system on the Jackson Property to keep the Town's options open for possible funding. The Board approved and Alex signed the letter.

### **ROAD SCHEDULE**

Dave Adams made a motion to approve the Road Schedule for January 28, 2016 through February 11, 2016, seconded by Casey Mathieu. Motion passed: 3-0.

Quotes are being obtained for a security system which would notify the Town if one of the garage doors opens in response to the door malfunction problem. The quote will include a price to replace three cameras with better equipment and to lengthen the recorded video from 8 days to 30 days.

### **DEFECTIVE TRUCK TAIL LIGHTS**

The Board and Brent discussed an email received concerning the tail lights not operating on one of the town trucks. The emails expressed concern over the truck being driven without the lights operating creating a safety issue. Brent acknowledged that the tail lights were not working due to an accident when attempting to pull another town truck out of a ditch. The lights were not working for three days. All the lights except for the markers were fixed. The driver was supposed to run the four way lights because the markers were not working however the driver forgot. All the lights were subsequently repaired. The Department of Motor Vehicles stopped by to conduct an inspection due to receiving a complaint. All the trucks were inspected and were passed by the DMV official.

The Board and Brent discussed how to prevent these types of situations again. The policy will be for the drivers to check trucks to use a pre-check manual at the end of the day and maintain a log for each truck for the rest of the plow season. The trucks will be checked at the end of the day so the Road Crew will have time to fix any deficiencies that may be found.

Dick Lavallee arrived. Alex provided a summary of what the Board and Brent discussed with regard to the tail lights. Dick expressed his concern that the truck was driven without the equipment not working properly.

### **ACCOUNTS PAYABLE & PAYROLL WARRANTS**

The Board approved the accounts payable and payroll warrants.

### **CORRESPONDENCE**

Dick Lavallee revisited the tail light issue. He feels the Road Crew should have noticed that the lights were out on the truck. Alex acknowledged and agreed with Dick's concern that the incident should have been caught sooner. Brent also agreed. Dick stated he is not sure why after receiving his email the truck was sent back out the next day. Alex and Brent explained that the driver was supposed to use the four ways based on the repair man's instructions, however failed to do so. Dick felt the truck should have been grounded. Alex advised that the Board and Brent have come up with a policy to have a pre-check done of all the trucks.

Dick requested that this complaint be added to his complaint of the dirt pile filed last year.

### **EXCESS WEIGHT PERMITS**

The Chair signed excess weight permits for J. Hutchins, Inc., Barrett Trucking and Newport Sand & Gravel.

### **EXECUTIVE SESSION**

Alex Weinhagen made a motion to enter Executive Session at 8:50 p.m. to discuss a potential real estate transaction in regard to the Jackson Farm and Forest Project, seconded by Dave Adams. Motion passed: 3-0. People in attendance were Alex Weinhagen, Dave Adams and Casey Mathieu. The Board exited Executive Session at 9:30 p.m. No action taken.

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**ADJOURN**

The meeting adjourned at 9:30 p.m.

Respectfully Submitted,

Alexander Weinhagen, Chair  
Selectboard

Nanette Rogers  
Town Administrator

TOWN OF WESTFORD  
SPECIAL SELECTBOARD MEETING  
GUEST LIST

Date: January 28, 2016

Name (please print)

Address

Gmb Keck

1088 Rte 128 Westford VT

Wayne Brown

138 Huntley Rd Westford VT

William Cleary

56 Beaver Pond Rd. Westford

Dave Cavallze

138 Old #11 Rd, Westford

ERIC JAKOBSEN

158 Huntley Road Westford VT

DAVE TILTON

1542 Old Stage Road Westford

GREN BAKER

45 Muddy Dog Run Westford

ED FARMER

297 Covey Rd Westford, VT