

SELECTBOARD MEETING
January 12, 2017

Present: Dave Adams Brent Meacham
 Casey Mathieu Nanette Rogers
 Dave Tilton Greg Barrows

Guests: See attached list

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

CHANGES TO AGENDA

The following change was made to the agenda: added an Executive Session to discuss litigation to the end of the meeting and moved the Dog Warden item up to the beginning of the discussion section.

FY'18 PROPOSED BUDGET PRESENTATION

Dave Adams gave a presentation of the proposed budget. The total budget is \$1,815,846 compared to the current year's budget of \$1,849,500. After factoring in anticipated revenue and using a portion of the surplus from FY'16, the amount to be raised by taxes is \$1,498,396. Based on the amount of be raised by taxes and the estimated Grand List, the tax rate will increase by 0.14% or \$1.80 for property valued at \$200,000 or \$3.60 for property valued at \$400,000.

Nate Lavallee asked if the proceeds for selling the Spiller lot are included in the revenue. Dave A. advised they are not because the Town has not closed on the sale yet.

Staci Pomeroy serves on the Road Committee. The Committee suggested to the Road Foreman to budget \$60,000 to ditch roads. The ditching is part of the work that needs to be done to be in compliance with the Municipal Road General Permit requirements (Clean Water Act). The Road Committee and Foreman identified priority areas where ditching and rock lining is needed to make the roads more resilient to flooding and improve drainage. She asked if the budget includes these funds.

Dave A. advised that the budget is not finalized. The Board discussed with Brent the money requested for ditching and did not include it in the budget because there are still too many unknowns. He added that if grants become available, the Town can use funds from the Contingency Fund for a project.

Staci advised that the current Road Crew can only ditch approximately one to two miles per year. There is an estimated 40 miles of roadway that needs to be ditched to meet current standards. The Road Committee estimates that six to ten miles can be ditched for approximately \$60,000 if contracted out. If the Town ditches this many miles each year, it will take four to seven years to ditch the areas identified. She encouraged the Board to include some money in the budget to begin working toward meeting the requirements. Staci pointed out that Better Backroad grants are available but they are fairly small and are not guaranteed however added that having matching funds in a budget improve the chances of receiving a grant. Staci feels bringing these areas up to standards is crucial and therefore the Town should not determine if a project should be done unless it receives a grant.

Gaylan Herr, also a member of the Road Committee, feels there is a high rate of return on doing the ditching versus the cost of the work that is done during mud season to make roads passable.

PUBLIC COMMENT

There was no public comment.

MINUTES

Dave Tilton made a motion to approve the December 22, 2016 minutes as written, seconded by Casey Mathieu. Motion passed: 3-0.

REQUEST TO INVESTIGATE DOG WARDEN

The Town received a request to investigate the Dog Warden due to the operation of a rescue that is run by her. Sharon Illenye was present to read a letter (which was provide to the Town after it was read) on behalf of Mindy Jurgen who was unable to attend the meeting.

The letter states Mindy's concerns about Chico & Friends (C&F), a dog rescue located in Westford and operated by the Town's Dog Warden, Diane Forsey. The letter states she visited the rescue in October 2015 and was disturbed by what she saw. She ended up adopting a dog. When the dog was brought home it became ill and was brought to the vet. He had several medical issues/viruses that he received medication for. Since overcoming the medical issues, the dog has been healthy. Mindy feels that the rescue should be shut down or closely monitored. She feels it is difficult to address the problems she witnessed since the owner is the Dog Warden and friends with the Head of Investigations at the Chittenden County Humane Society. Mindy expressed concerns for dogs that have been/are on the property due to the viruses her dog and other dogs have had.

Laurie Lawless, the owner/operator of a dog training program in Burlington, stated that she was warned of dogs that come from Chico & Friends. Recently she has heard about the conditions of the rescue, such as the shed not being heated and the crates being stacked. She does not want to see what happened in Forks, Washington happen here.

JoAnn Nichols, the Human Investigator and TNR Specialist with the Chittenden County Humane Society advised that she is investigating complaints received with regard to Chico & Friends however was unable to say much due to the open investigation. JoAnn stated that Mindy's statement about her friendship with Diane was not true. JoAnn encouraged the Town to ask Diane how she houses dogs picked up as Dog Warden. Are they separated from the rescue dogs due to the possible transmittal of diseases? JoAnn advised that she has no law enforcement powers. If charges are pursued with regard to treatment of animals, she would team up with law enforcement.

Sharon stated that she feels there is a conflict of interest with Diane running the rescue organization and being Dog Warden.

Dave A. stated that the Town recently received complaints regarding Chico & Friends. He advised that the Town does not have jurisdiction over rescues. He stated that the Town has not discussed the complaints with Diane yet. He feels the Selectboard should talk to Diane about her practices as Dog Warden before making any determination.

SALE OF TOWN PROPERTIES UPDATE

Westford Milton Road 20 acre parcel – the sale of the property is moving forward and should close toward the end of February.

Spiller Lot – the sale has been delayed due to a complication. The Spiller lot is comprised of four lots previously owned by the White Church, Spiller, Woodward and Town. After researching, the buyer's attorney and surveyor provided an opinion is the Spiller lot is comprised of all the lots with the exception of the lot owned by the Church. The Town's attorney concurs. Due to an 1850

Supreme Court Case, a process known as Quiet Title needs to take place. This process will take approximately nine months to complete. The Town will need to re-notice the sale of the property to begin the process.

FY'18 BUDGET RECAP

The Board discussed any changes they wanted to make to the budget based on feedback on the proposed budget as presented. After a lengthy discussion, the Board decided to reduce the gravel resurface and rebuilding line items by \$40,000 and reallocate these funds to ditching. The hydroseeder amount was increased to \$12,000. The Board discussed what to do with the building improvements line item for the town garage. Brent has an estimate if the town were to purchase the material and hire someone to replace the metal roof, with the help of the road crew. This cost is approximately \$17,000. This does not include the roof over the fire department. The Board would like the Fire Department to attend a meeting to discuss the quotes for the fire security system as well as the garage roof before making a decision on what to budget.

INSURANCE CLAIMS

The Town's insurance carrier is seeking approval from the Board with regard to two claims.

During a wind storm, a branch fell from a tree and hit Leo and Denise car causing damage. The Laforce's insurance carrier filed a claim. The Town's insurance carrier has determined that the Town is not responsible for the claim and would like the Selectboard's approval to finalize the claim based on their decision.

Casey Mathieu made a motion to concur with the Town's insurance carrier's findings to deny the claim filed by Leo and Denise Laforce, seconded by Dave Tilton. Motion passed: 3-0.

While plowing a dead end road, a Town truck backed into a car owned by Dan Orisko causing damage. The Town's insurance carrier found the Town at fault and negotiated a settlement with Mr. Orisko. Due to the urgency of settling to avoid additional costs, Nanette as Town Administrator approved the settlement. Nanette requested the Board affirm her action.

Dave Tilton made a motion to approve the Town Administrator's decision to settle the insurance claim with Dan Orisko as negotiated, seconded by Casey Mathieu. Motion passed: 3-0.

GRAND LIST ERRORS & OMISSIONS

The Listers submitted a list of errors and omissions with regard to the 2016 Grand List. The list contained two errors discovered after the 2016 Grand List was lodged with the Town Clerk. One error was for property owned by Betty Allen and the other was formerly owned by Barb Peck. The Grand List was corrected upon discovery of the errors.

Casey Mathieu made a motion to accept the Errors and Omissions report for the 2016 Grand List as submitted by the Listers, seconded by Dave Tilton. Motion passed: 3-0.

TOWN MEETING WARNING - DRAFT

Nanette presented a draft warning for Town Meeting for the Board's review. The warning contained two articles to create reserve funds, one for the Conservation Commission and one for the Recreation Department. The two entities would like to have the reserve funds created to carry over any funds not spent during a fiscal year. In a recent year the Conservation Commission did not spend the money allocated due to the submission of a grant application because if awarded the funds were going to be used for a match. After the end of the fiscal year, the Commission was notified that they did not receive the grant. Unfortunately, the Commission was not able to use the

funds in the prior fiscal year as originally planned because funds cannot be carried over for a specific town organization unless a reserve fund has been created. The Board felt these two articles made sense.

The warning could not be approved because the budget has not been finalized. This item will appear on the next agenda.

FOOD SCRAP PICKUP EXEMPTION

Per Act 148, beginning July 1, 2017 haulers will be required to collect food scraps from their customers. Act 148 and ANR guidelines provide an opportunity for certain districts to opt. Westford qualifies for this exemption. Michelle DaVia, Westford representative on the CSWD Board, asked if the Town wanted to take advantage of the opt out. The Board stated they would, however, questioned if residents would still be required to separate food scraps from their trash. Nanette will contact Michelle to clarify how food scraps will be handled with the opt out.

Dave Tilton made a motion to take advantage of an exemption under Act 148 to exempt the hauler contracted by the Town of collect food scraps, seconded by Casey Mathieu. Motion passed: 3-0.

CCRPC MEMO REGARDING REGIONAL DISPATCH

The Chittenden County Regional Planning Commission is holding a meeting for consultants to present their findings and recommendations for implementing regional dispatch. They are asking that each town have at least one member of the legislative body attend. Dave Tilton agreed to attend.

ROAD SCHEDULE

Casey Mathieu made a motion to approve the January 12, 2017 through January 25, 2017 Road Schedule, seconded by Dave T. Motion passed: 3-0.

Brent received a quote to some trees cut on Covey Road because the branches are hanging over the road. The cost will be \$1,000. Brent is hoping the work can be done soon.

DATA ENTRY OF ROAD PROJECTS

There was no update.

CERTIFICATE OF HIGHWAY MILEAGE

The Board signed the highway mileage certificate. There were not changes to the number of miles of town roads.

ACCOUNTS PAYABLE & PAYROLL WARRANTS

The Board approved the accounts payable and payroll warrants.

CORRESPONDENCE

Dave T. talked to the Board and Brent with regard to his response to Andre and Becky Roy's emails. Dave T. asked for clarification why the town truck has to back up the hill to sand on occasions. Brent advised it's because the sand is distributed behind the tires which does not provide traction when driving up the hill in icy conditions. To enable roads being maintained as soon as possible sometimes it is necessary to back up a hill to make roads safe for passage. Dave T. will relay this info to the Roys. The second item the Roys inquired about were the cutting of trees. Dave T. will let them know that the Town removes trees when a tree threatens to create a safety issue in the roadway with branches/limbs falling. The third item the Roys asked about was the contracted services for ditching in the town budget. Dave T. will advise that the Selectboard is including

\$40,000 in the budget will pursue grants to help offset the cost. The final item Dave T. will respond to is the Road Foreman's salary. The Road Foreman has been paid hourly however recently the Selectboard switch the compensation to an annual salary.

The Selectboard received a public records request from Dick Lavallee regarding all incidents (mishap, accidents, etc.) for the highway department during 2016 where the Town paid out more than \$1.00. The Town is in the process of compiling the information.

ROAD FOREMAN SALARY (Previously headed overtime)

Brent asked the Selectboard to review his salary again. He received his W2 and the wages he received during 2016 is less than what he and the Selectboard agreed on last week. The Board requested copies of the last three W2s and will discuss Brent's salary at the next meeting.

EXECUTIVE SESSION

Dave Tilton made a motion to enter Executive Session at 9:50 p.m. to discuss the Pelkey litigation, seconded by Casey Mathieu. Motion passed: 3-0. People in attendance were Dave Adams, Casey Mathieu and Dave Tilton. The Board exited Executive Session at 10:00 p.m.

Dave Adams made a motion to approve the Stipulated V.R.C.P. 58 Judgment Order and Exhibit A in resolution of the Pelkeys' Subdivision Amendment application before the Environmental Division in Docket No. 119-9-16 Vtec, seconded by Dave Tilton. Motion passed: 3-0.

ADJOURN

The meeting adjourned at 10:01 p.m.

Respectfully Submitted,

David E. Adams, Chair
Selectboard

Nanette Rogers
Town Administrator

TOWN OF WESTFORD
SELECTBOARD MEETING
GUEST LIST

Date: January 12, 2017

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