

# WESTMINSTER SELECTBOARD MEETING

Wednesday, July 27, 2022

Westminster, VT Town Hall and remote through FACT TV

**Selectboard Present:** Jason Perry (Chair), Katrina Hamilton (Clerk), Kevin Hughes (Vice Chair) and Craig Allen

**Staff Present:** Alison Bigwood (interim Town Manager/Zoning Administrator), Charles (Chuck) Lawrence (Road Foreman), Millie Barry (Clerk), remote: Pauline O'Brien (Town Clerk)

**Others Present:** John Todd, Mike Renaud, Alex Dunklee, Paul Banik, Peter Golec, Jason Smith, Cole Streeter, Carl Ball, Dan Crocker, JB McCarthy

1. **Call to Order:** The Chair called the meeting to order at 6:30 p.m.  
Information to access a future meeting using a remote connection is available on the FACT TV Facebook page, the Town of Westminster website or by calling the Westminster Town Hall
2. **Adjustments to Agenda:** Paul Banik requested to be added to the agenda before unfinished business. The Chair noted Mr. Banik could address the board under communications and public comments.
3. **Acceptance of Minutes:** July 13, 2022 - Craig Allen motioned to accept the minutes as printed, Katrina Hamilton seconded. Correction noted, page 2 of minutes - 'what Mr. Taylor did conserving land' should read: **what Mr. Crocker did conserving land.** Motion carried 4-0 voice vote to accept the minutes with correction.
4. **Communications and Public Comments:** Mr. Banik (ARPA Committee Chair) told the board ARPA (American Rescue Plan Act) meetings are held the third Wednesday of each month and notice of future meetings will be published in the Westminster Gazette. He added information noted at the previous Board meeting, the funds the Village of Westminster received from ARPA would be returned as the Village did not have an operating budget. Alison Bigwood confirmed the ARPA monies granted to the Village had been returned. Mr. Banik noted Pauline O'Brien had returned to the committee as an active member with a suggestion the Board approve the cost of about \$1,093.00 to mail post cards to Westminster taxpayers hoping to generate input/opinion regarding use of ARPA monies. He noted there was zero input from the community regarding use of funds. Mr. Banik said it had come to his attention of SEVCA's (Southeastern Vermont Community Action) continued interested in monies though they had not attended committee meetings. The committee refused their initial request as SEVCA is not eligible for monies using ARPA guidelines.  
In another matter: Kevin Hughes said information would be available at the September 14, 2022 meeting for personnel, human resources, procurement and conflict of interest policy review. This is to review the language in policies including contractual employee and contractual contracts reviewing language to address the key aspects in policies, especially conduct. This information will be available for public review and comment.
5. **Unfinished Business (Discussion/Action) -**
  - A. Route 121 Bridge Discussion - The chair said the Board had approved option 2 presented

and recommended by the State at the prior meeting. As the bridge affects other communities the Board was open to discussion regarding the construction process, closure and a temporary bridge. Mr. Perry read from a letter by JB McCarthy, SOV (State of VT), highway division, structures design and the project manager indicating there was no recommendation for load post for the bridge at the present time. He and Mr. Allen noted members of a previous Board had discussed the option of a temporary bridge and decided due to cost and closure time against this option. Mr. Allen noted the decision against a temporary bridge was made in part due to the length of the project quoted at that time, a few months versus 12-18 months estimated for the current repair/replacement. Mr. McCarthy said he was not involved in the project when it was first reviewed by the State in 2019 to replace the deck. The approximate cost for a temporary bridge at another site was about \$600,000.00 for a 100' span, this span is about 220'. Westminster's percentage of expense is about 2.5% (two and one half percent). He added a temporary bridge would require environmental study permits. Mr. Hughes remembered when the repair was originally presented the State noted there could be possible conflicts with artifacts and archeology at the site. Jason Smith said a bridge closing could be painful but believed there were multiple routes around the bridge and delaying decisions would make the project longer. Peter Golec, Rockingham Selectboard Chair, questioned if the estimated bridge closure of 12-18 months included design or was build time. His concern was the length of time the bridge would be closed and asked if the bridge could be left open through the winter or until construction was ready to go forward. Mr. Golec noted Route 121 and the bridge were a Town highway/bridge maintained by Westminster. The road did qualify for State aid. McCarthy said the States plan was to rehabilitate the bridge but when the contractor began digging in the vicinity where the deck sits on the girder, they found no good steel for rehabilitation. The girders are about 80 years old and the decision was made to replace the structural steel with continuous beams. This plan is under design at the present time. The question is what to do with the substructures, two abutments and piers present now as the present piers, hollow in the middle are not able to be loaded with new beams. He spoke about another possible design shifting the load to the end of the piers. This design would be complex as the bridge sits on an angle and is not square. He said once the design was complete, there would be estimates and a more defined scope to realize costs and the State would talk to the construction company regarding a schedule of construction. Another factor impacting the project is one pier is in the water, another is on ledge requiring another permit. He believed the bridge could be constructed in a year, April to October. At the present time, he believed they could have steel for the project after order, in 5-6 months. Mr. Hughes asked for the minimum amount of time the bridge would be out (deconstructing the old bridge) and time to construct the new bridge. He understood McCarthy to say April to October and was it reasonable to not deconstruct the bridge until March? Mr. McCarthy confirmed. Mike Renaud, Renaud Brother Construction said the design was about one tenth of the work and the easiest part. He stated he did not understand how the work could be done in one season. He understood delaying the demolition of the bridge but waiting until construction season to demolish the bridge would impact re-construction. To construct in one season could mean night and weekend work

significantly increasing costs. He stated as he has not seen the design, he could not estimate the demolish/construct time. He noted Renaud was originally committed to the project in the allowed time and he was frustrated with the limited conversation since learning of the new design. He wasn't sure what to do with his crew noting the project had become difficult for Renaud Construction. If his crew began in March it would be risky to say the bridge could be constructed in one season as this could be too much work in too little time. Mr. Allen questioned, when all information was in order, could the Town be updated when the work would start. Mr. Hughes thanked McCarthy and Renaud for coming to the meeting, their expertise and putting into the record the reality of the bridge. Mr. Lawrence questioned the set back if the bridge had to be put out for another bid with the new design. McCarthy said he would rather not have to have the entire project re-bid and that Mr. Renaud could say he didn't want the project after seeing the new plan. Renaud said this was not his intent except if there were expectations he could not meet. McCarthy said when there was a plan (September) he would have a good idea to present to Renaud. Perry confirmed the Town was in a holding pattern until there was additional information from the State and Renaud also had the new information. Cole Streeter stated the road/bridge closure would not impact emergency services for Westminster. It was about four miles longer to the bridge and asked to know when the bridge would be closed.

- B. Windmill Hill Road South Trail Discussion - Mr. Perry requested parties not 're-hash' old information, he noted a sketch of the trail (for the record) that included measurements and work done. He said he had contacted legal counsel three times regarding the legality of placing a gate and had not heard from Mr. Slason. John Todd said there was a meeting at the site following the 7/13/22 Board meeting. Since that time, there had been through traffic from the north of seven motorcycles and two side by side vehicles, during the past weekend eight motorcycles had been turned around coming from the south. The continued concern, due to removal of the ledge was this was a passable trail and believed the situation needed to be addressed. He added posted signs were conveying the correct message but believed the signs were mostly being ignored. Mr. Perry said he understood the appearance of a more passable trail. Dan Crocker noted from his remote camera surveillance, he observed three motorcycles, no four wheel drive vehicles, hikers and several horses. Jason Perry read a letter (included as part of the meeting record) addressed to the Board from Zach and Emily Weinberg a neighboring land owner (1304 Windmill Hill Road North) dated July 27, 2022. Weinberg's letter stated **(in part)** the Town's sign relayed the "trail is a public highway and states the Town is not liable for construction, maintenance or repair". At the time of their (1994) purchase the town manager stated the road was a public access road, people were allowed to drive on it and at no time had the Weinberg's been notified of a re-classification of the road. The letter continued, there were seven houses on the road and the Pinnacle Parking lot sharing annual road maintenance and the road was used daily by the school bus. Up until his death, Errol Wood maintained the middle of the trail, without Mr. Wood the trail went into disrepair and recent improvements on the trail have helped with erosion and made access to our property. The Weinberg's stated in the letter they did not want gates or turnarounds blocking access to the public highway, motor vehicle usage is slight and not issue for the the Weinberg's. Mr. Allen stated prior to Mr. Crocker's request

the Board approved use of trails by loggers and after logging was complete, requested the area used be put back in the condition it was in prior to logging. He continued, he didn't know how to stop motorcycles from using trails but did believe four wheel vehicles could be stopped. Mr. Hughes thought there was an agreement between the parties to put gates up if the board had the authority to do so. Mr. Todd hoped the gates were still on the table. He added Mr. Weinberg was actively maintaining a motorcycle group that did a significant loop (at least 1 time a year) of the area. Mr. Crocker questioned who would pay for a gate(s), and questioned issues regarding right of ways. Mr. Perry said nothing would be done without advice from legal counsel and with legal counsel input the item would be put back on the Board agenda. Mr. Todd requested clarification of where the class 4 ends adding the rustic trail should be preserved against through traffic.

C. Financial Position Discussion: Mr. Hughes requested to table this item to the next meeting.

**6. New Business (Discussion/Action)**

- A. Cemetery Deeds - Mr. Hughes motioned to accept for James Cassell, his heirs and assigns one burial site in section E, row 3, grave 148 of the Westminster New cemetery, July 27, 2022. Craig Allen seconded, motion carried 4-0 by voice vote.  
Mr. Hughes motioned to accept one burial site for Stephen Cheney section E row 3, grave 115 in the Westminster New cemetery July 27, 2022. Katrina Hamilton seconded, motion carried 4-0 by voice vote. Mr. Hughes motioned to amend/correct a cemetery deed on behalf of Benjamin L. and Barbara M. Dow one burial location section B, row 14 in Westminster West cemetery July 27, 2022. Mr. Allen seconded, motion carried 4-0 by voice vote.
- B. Town Manager's Report - Ms. Bigwood said the tax bills had been sent out. She asked the Board to let her know for RSVP purposes, if they wished to attend a class called, Run, Hide and Fight in Brattleboro August 3, 2022 from 5:30 to 7:30 p.m.

Executive Session: Mr. Hughes motioned for the Board to move to executive session after other business to discuss two separate employee contractual matters. Mr. Allen seconded, motion carried by 4-0 voice vote.

- 7. Boards, Committees and Commissions** - Mr. Hughes motioned to approve the ARPA postcard referenced by Paul Banik earlier in the meeting. Craig Allen noted it was not usual practice the Board vote on money issues not previously warned. Ms. O'Brien stated she was previously approved for ARPA funds in the amount of \$20,000.00 for an online records project. As she still has about \$13,000.00 left (with a few things still to order) she could easily pay for the post card out of these monies. Mr. Hughes amended his motion to use ARPA funds approved and not yet used for the Town Clerk's record project to pay for the ARPA post card. Mr. Allen seconded, the motion carried by 4-0 voice vote.
- 8. Other Business:** - None
- 9. Date of Next Meeting** - August 10, 2022 at 6:30 p.m. Mr. Allen noted he would not be available to attend this meeting.

**The Board moved to executive session at 7:30 p.m.**

The Board reconvened at 8:28 p.m. Mr. Hughes motioned to adjourn, Ms. Hamilton seconded, meeting adjourned.

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Clerk

Minutes composed by Millie Barry 7/28/2022

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Date

