

WESTMINSTER SELECTBOARD MEETING

Wednesday, February 14, 2024 - 6:30 p.m.

Westminster, VT Town Hall

Selectboard Present: Katrina Hamilton (chair), Dan Crocker (clerk), Jason Perry, Kevin Hughes, and Stephen Major (vice chair).

Staff Present: Lou Bordeaux (Town Manager), Chuck (Charles) Lawrence (Road Foreman) and Millie Barry (recording clerk)

Others Present: Sarah Waldo, Kathy Kingston, Nancy Olson, Everett Hammond, Kate Skinner, Michael Daly and 1 person from FACT TV – remote - Oliver Brody

1. **Call to Order:** Katrina Hamilton, Chair of the board called the meeting to order at 6:30 p.m. Information to access a future meeting using a remote connection is available on the Town of Westminster website or by contacting the Westminster Town Hall.
2. **Adjustments to Agenda:** None
3. **Acceptance of Minutes:** January 24, 2024 – Kevin Hughes motioned to approve the minutes of January 24, 2024, Dan Crocker seconded. Errors noted in the minutes under manager’s report: The Ruggiero trash contract with the Town of Westminster is through 6/30/2025, under beaver deceivers, Skip Lisle’s name is misspelled and under other business, Bordeaux is misspelled. Minutes of 1/24/2024 will be accepted, with corrections at the February 28, 2024 meeting.
4. **Communications and Public Comments:**
 - A. Conservation Commission – Beaver working group – Conservation Commission information included in packet - Kathy Kingston addressed the Board about the history of the beaver working group. She said the Town funded one flow device built and installed by Skip Lisle in Westminster West and since installation this device has been rebuilt by Mr. Lisle at no expense to the Town. The group has received an educational/awareness grant for one flow device (a device to keep water flowing). After talking with the road crew, the group chose the Henwood Hill marsh location for a flow device due to frequent maintenance by the road crew of a culvert in the marsh vicinity. Ms. Kingston questioned the threat of liability, asking for clarity regarding liability (for the marsh flow device) for the group to do more work with the Town and flow devices. Stephen Major noted at the Town’s expense, Bob Fisher, alternate Town counsel, could be contacted to learn more about the Town’s liability. Michael Daly noted his understanding there was no legal opinion given to the Town about liability, but the landowner’s

legal counsel advised that the Town could be liable for problems if a flow device was installed. He noted the group had worked about six months on the project, the grant was still active, and the group would like to go forward. Mr. Major said what the Town's legal right was and what it wished to do sometimes were in conflict as the Town wanted to get along with abutting property owners. Ms. Kingston repeated the group's request for clarity about the liability regarding a flow device as it was unprecedented if someone was saying a flow device could cause a liability around flooding. They did not cause flooding, they prevented flooding. It was frustrating as the group was attempting to manage a grant and do something for the Town. Jason Perry believed asking legal counsel for advice was a waste of money as the landowner did not want a flow device installed on the property. Moving forward, other projects involving the Town should have a legal opinion regarding liability and flow devices. Chuck Lawrence said two devices were required to control flooding in the Henwood Hill vicinity. Lou Bordeaux noted after several conversations with Tim Allen, Mr. Allen was against a flow device and his attorney (Larry Slason) requested a hydrology study at a cost of about \$20,000.00 or for the Town to sign off on total liability. Mr. Bordeaux said a hydrology study was a waste of money as the site was a flood plain. After discussing other flow device locations, the beaver group was not sure monies for this specific grant could be used for a location other than Henwood Hill.

5. Unfinished Business: (Discussion/Action) –

- A. Planning Commission Options – Letter on behalf of three former planning commission members included in packet – Ms. Hamilton said no one had come forward to serve on the commission and until there was a consistent quorum, she believed it was not reasonable to increase the number of members. The Board discussed partnering with Vermont Council on Rural Development (VCRD) to engage townspeople and solicit public input. Stephen Major motioned to have Lou Bordeaux contact VCRD to see how the process works for a town. Kevin Hughes seconded; motion carried by 5-0 voice vote.

6. New Business: (Discussion/Action) –

- A. Westminster West Cemetery plantings – Information included in packet – Kathy Kingston said the Conservation Commission would like to plant in an area by the Westminster West cemetery (where trees were removed) natural pollinators to beautify the space and benefit wildlife. She has a map and list of plants she will provide for the Board requesting \$350.00 for the plants. Dan Crocker moved to approve up to \$400.00 for plants to be planted in an area by the Westminster West cemetery. Kevin Hughes seconded; Stephen Major suggested approval from the cemetery commission or those managing the cemetery. After discussion, the motion was amended by Dan Crocker to approve an amount not to exceed

\$500.00 for plants, Kevin Hughes seconded the amended motion, motioned carried by 5-0 voice vote.

- B. Putney Food Shelf Request – Nancy Olson appeared on behalf of the Putney Food Shelf. Jason Perry noted at the November 8, 2023 board meeting a motion was made and approved to bypass the petition and signature requirements to add a request from the food shelf to the town meeting article due to the use of the food shelf by Westminster residents. The article was not added to the annual warning and to keep the Board’s commitment to the Putney Food Shelf Mr. Perry motioned the Town of Westminster make a one-time donation of \$2,398.00 to the Putney Food Shelf using ARPA (American Rescue Plan Act) funds. Monies will be dispersed at the beginning of the 2025 fiscal year. Kevin Hughes seconded; motion carried by 5-0 voice vote. Mr. Perry noted in the future, should the Putney Food Shelf request additional annual funding they will follow the petition/signature process for an article to be placed on the town meeting warning.
- C. Town Meeting Location Change: Mr. Bordeaux said the BFUHS (Bellows Falls Union High School) auditorium would not be available for the Westminster town meeting. Instead of the auditorium, arrangements have been made with the school to use the gymnasium. Kevin Hughes moved to accept the move from the auditorium to the gymnasium, Jason Perry seconded; motion carried by 5-0 voice vote. Mr. Bordeaux will coordinate with the school to use chairs on the floor, in addition to bleacher seating for the meeting.
- D. Everett Hammond, Engineer – RSMS (Road Surface Management System) Draft Report included in packet – Mr. Hammond reviewed the report noting Westminster town paved class 2 roads totaled 19.24 miles, town paved class 3 roads totaled 3.55 miles and class 1, 2 and 3 paved roads totaled 22.90 miles. The report noted the average condition for Westminster’s paved roads is Routine, however 43% of the roads have a condition of preventative, rehabilitate or reconstruct. Preventative strategies include crack filling, chip seals, shimming, overlay or a combination depending on the nature of the road surface. Rehabilitate includes (in part) milling/shimming/overlaying or reclamation of existing pavement followed by 4” of new pavement. It was important to review the existing base to rehabilitate. Reconstruct includes (in part) the complete excavation of the existing pavement and inadequate base material, installation of new drainpipes, underdrains, installation of fabric as needed, new gravel base and pavement. He said the Town wanted to try and maintain roads not to put all funds in the worst roads. The report noted Westminster’s average annual pavement maintenance budget of \$150,000.00 has kept the condition of the town roads from deteriorating over the past 10 +/-years. The cost of paving, milling, reclaiming and chip sealing has gone up considerably over the past years resulting

in the preservation of the Town's roads falling behind. Information in the report recommended the Town of Westminster increase funding to the level of \$300,000.00 over the next three years followed by an annual increase of \$15,000.00 per year. After five years, to re-evaluate the plan due to the cost of inflation vs the cost of paving. The report detailed Reconstruction status of Patch Road 2, Cemetery Road 1, 2, Westminster Terrace, Goldies Road and Town Garage Road. Rehabilitation of Back Westminster Road 4, Westminster West Road 2 (south) and Westminster West Road 5 (north). The report did not cover gravel roads in the Town, however concentration on purchasing quality gravel and quality winter sand results in an improvement to the quality of the gravel roads during 'mud season' over the years and can prevent degradation.

E. Road Foreman's Report –

- Pine Banks Road culvert has been sent out for bid with notices in the Brattleboro Reformer, posted on Town bulletin boards, on the SOV (State of VT) bid website and emailed to past bidders. Mandatory pre-bid meeting will be 2/27/2024 at 1:00 p.m. Bids are due to be opened 3/12/2024 at 2:00 p.m. at the Town Hall.
- Road crew anticipates a short mud season as there is not much frost. Roads will be posted for weight limitations on Tuesday, February 20, 2024.
- Manager and road foreman traveled to Mendon 2/15/2024 for a VT Local Roads Weight Permit and Posting class.
- The RSMS draft report will be posted at the Town garage during the open house Saturday, 2/17/2024.

Stephen Major motioned to accept the road foreman's report, Kevin Hughes seconded; motion carried by 5-0 voice vote.

F. Town Manager's Report –

- SOV has approved up to \$450,000.00 in funding for the Pine Banks Road culvert. There is a 10% match required by the Town.
- Sullivan, Powers & Co. have completed their financial review of the Town and after minor revisions, Chip Stearns and the Manager approved the firms' findings, responding to the review in writing.
- Meetings included Declaration of Inclusion information session.
- Animal Control Officer Ashley Pinger regarding pending inspection and enforcement of the dog ordinance.
- A capital plan project has been started by reviewing past meeting information.
- Due to inconsistencies in the New Cemetery Wall information, a new RFB (request for bid) will be drafted for the project. This could go out the

week of February 19th.

- Website improvements include adding a calendar to the front page and redesign of the agenda and minutes page for the selectboard, modifications were made to the conservation commission page and a page was added for the board of civil authority.

In another matter, Stephen Major noted in other towns, animal control officers were being used in neighborly disputes and interpersonal swatting type complaints regarding pets or animal care. Mr. Major suggested complaints be put in writing or on an internet page opposed to reporting directly by phone to the sheriff's department and or going through the town manager to contact the animal control officer. The Manager noted Ms. Pinger realized there could be problems with complaints and they were working together to streamline the process.

Jason Perry moved to accept the Town Manager's report, Kevin Hughes seconded; motion carried by 5-0 voice vote.

G. Executive Session – None

7. Boards, Committees and Commissions: None

8. Other Business:

Certification of Town Roads and Bridges - Kevin Hughes motioned to approve the certification of compliance for Town Roads and Bridge Standards and network inventory. Jason Perry seconded; motion carried by 5-0 voice vote.

9. Date of Next Meeting: Wednesday, February 28, 2024 at 6:30 p.m.

10. Adjournment: Kevin Hughes motioned at 8:10 to adjourn the meeting, Dan Crocker seconded, meeting adjourned.

Clerk

Date