

TOWN OF WEATHERSFIELD, VERMONT

SELECT BOARD

Select Board

Martin Memorial Hall

5259 Route 5, Ascutney VT

Monday, November 21, 2016

7:00 PM

REGULAR MEETING

MINUTES

APPROVED 12/5/2016

**Select Board Members Present:** Daniel Boyer  
C. Peter Cole  
Lynn Esty  
Kelly Murphy

**Select Board Members Absent:** Amy Beth Main

Ed Morris, Town Manager

**Others Present:**

Edith Stillson                      Brenda Richardson                      Hal Wilkins  
Nancy Heatley                      Gary Sweeny, VTrans

**1. Call to Order**

Mr. Boyer called the meeting to order at 7:05PM.

**2. Comments from Select Board and Town Manager**

Mr. Morris announced that Crystal Thibodeau has submitted her resignation. The transfer station attendant position will also need to be filled.

Mrs. Esty announced that former transfer station attendant for 33 years, Norm Abbott, had passed away. Memorial services are at Davis Memorial Chapel in Springfield from 6 PM to 8 PM on Sunday, November 27<sup>th</sup>. Private burial will be at a later date. The Board observed a moment of silence in Mr. Abbott's honor.

Mr. Boyer thanked Brenda Richardson for sewing two baskets (200) of wheelchair and walker pockets that were passed out by volunteers. The thank you came from the Department of Veterans Affairs in White River Junction. Ms. Richardson thanked the board for their (financial) help.

**3. Comments from Citizens on topics not on the agenda**

Ms. Richardson said she is starting to make cover-ups and asked for donations of 4 ft x

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5 ft blankets made of terry cloth or fleece. Donations can be left at the barber shop and she will bring them to the vets. She is hoping for 40 by Christmas. People can contact Ms. Richardson at 263-5166 or 263-9618.

#### 4. Review minutes from previous meetings –

##### a. November 7, 2016

###### **Additions/corrections/deletions:**

- a. Page 6 - Correct the spelling of McMenemy.
- b. Page 3, 2<sup>nd</sup> paragraph, 2<sup>nd</sup> sentence – change 7% to 5%
- c. Page 14, last paragraph, add the word “amount” after the word “match”

**Motion:** To accept the minutes with corrections

**Made by:** Mrs. Esty      **Second:** Ms. Murphy

**Vote:** Unanimous in favor

##### b. November 10, 2016

**Motion:** To move (review of) the minutes of November 10, 2016 to the next meeting.

**Made by:** Mrs. Esty      **Second:** Ms. Murphy

**Vote:** Unanimous in favor

#### 5. VTrans/I-91 Project

Gary Sweeny, engineer for VT Agency of Transportation (VTrans), presented to the board and audience information regarding the I-91 bridges (30N and 30S) at Exit 8. Wendy Pelletier will be the project manager once the scoping phase of this project is complete. Mr. Sweeney is the scoping engineer for the project. Ms. Pelletier was not present.

##### Project Development Process

*Project Definition:* When a project gets funded, it comes to the engineers for scoping. The engineers define the project.

*Identify Resources and Constraints:* Existing conditions surrounding the bridge itself are identified; resources and constraints are examined as well. This project will be fairly easy as it is an interstate and a dry crossing (no water bodies involved).

*Evaluate Alternatives:* Alternatives are identified.

*Public Outreach:* Public outreach follows to inform the public and receive feedback.

*Project Design:* Once the project is defined, it goes to design. This project will be small because everything will take place within the right-of-way. Environmental permits will be sought.

*Award Contracts:* Once engineering and specifications are completed, the project goes out to bid.

This part of the process takes about two years.

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Mr. Sweeny showed aerial photos of the bridges, then photos of the underside of them, showing damage caused by impact, possibly from a piece of construction equipment that was too tall to fit under the bridge. He said the damage was a secondary reason for the project. He also showed photos of one of the joints at the end of one of the bridges and said this was another factor the engineers are concerned about. He said they have been patched and repaired a number of times. The expansion joints are in the same condition. The fascia and the curbs are starting to deteriorate. This is an important part of the bridge because this is where the railings are anchored. The girders and the concrete are in good condition.

Every public bridge in Vermont is inspected every two years by the VTTrans inspectors. Then they are load-rated.

### Bridge Classification

Mr. Sweeny said that VT Route 131 is a major collector; both bridges are steel beam bridges with concrete decks, each are 219 feet long with three spans each; they are the original bridges built in 1965; they are owned and maintained by the state of Vermont (no local funds are used/needed for this project).

Mr. Sweeny briefly explained some bridge terminology using a diagram showing the various parts of a bridge.

He said VTTrans follows the Federal highway guidelines on bridge inspection. Rating ranges from 1-9. He said he didn't think Vermont had anything with a 9 rating. He said brand new bridges can be rated 7 or 8; so 7's or 6's are considered "pretty good". He said anything rated 4 or below warrants immediate attention. He said this project is being driven by the deterioration along the curb on the deck. He said the decks rate well (6 and 7); the superstructures are 5's (fair); the substructures are in satisfactory condition (concrete will be patched and sealed).

Average daily traffic counts (design numbers that are projected ahead 20 years, but current numbers are close to these): 4500 – 4600 vehicles a day (one-way) on the bridges; 8700 vehicles (two-way) underneath the bridges on Route 131. There are a lot of trucks on the interstate as expected; design speed is 70 mph; narrow shoulders on the bridges.

Concerns that are driving this project include deterioration of the fascia and curbs on the bridge decks; substandard railings; bridge joints; bridge seats; narrow shoulders; damage from below; some minor vertical geometry that is substandard.

He said the materials and research section did some core sampling to test the strength of the concrete, chloride penetration, and various other indicators. What they found was

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that the lanes (travel and passing) are in good shape, but the shoulders and places near the curbs are in bad shape. He said this report is available for public viewing.

Mr. Sweeny went through the various options that were evaluated for this project, from doing nothing to replacing both bridges completely. How the traffic is handled is included in the examination of alternatives. The final choice was replacement of the decks in their entirety, fix the beams that are damaged; put in new railings approaching and on the bridge; take care of any cracks or imperfections on the substructures; take care of seat work that wasn't done four years ago; new membrane and pavement. The work will be phased – one half at a time. They are proposing to complete the work in one construction season, possibly in 2020 or 2021.

Ms. Murphy asked if there are criteria to consider night-time construction given the amount of traffic flow through this site. He said this option is carefully considered, but couldn't remember why it wasn't chosen for this project. Various reasons to not use night-time work include too many houses near the site; local noise ordinances; greater expense; and lack of local contractors with night-work capability.

Ms. Richardson said that on foggy mornings, it is hard to see to get on the exit coming from Route 131. She suggested perhaps installing reflectors to help guide drivers on the ramp. Mr. Boyer agreed. Mr. Sweeny said he would make a note of it.

Ms. Murphy suggested getting in touch with the woman who was planning to put up a Romaine Tenney monument at the Exit 8 Park and Ride to inform her of this project in case the project may impact her monument plans. Mr. Sweeny said he would find out about it.

The presentation was concluded and the board thanked Mr. Sweeny for the information.

### **6. River House Discussion – Brenda Richardson**

Ms. Richardson said, “They didn't show up with any information.” She said they were supposed to bring a copy of the lease so the public could review all of the information. Mr. Morris said that they (the applicant/appellant) weren't going to provide it. Ms. Richardson said that “zoning had asked for it”. Mr. Morris said that zoning had asked for it and the attorney wrote a letter (which is available for viewing) stating that the lease and sub-lease were not relevant for the zoning case that was before them. Mr. Morris said the lease is a civil matter, that it has nothing to do with the occupancy of the building or the permitting process.

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Mr. Boyer said this was a matter for the zoning board and didn't pertain to the select board. Ms. Richardson said they had been told to wait 45 days for the results, "so we can move on now".

Ms. Murphy said she had received a phone call from a community member who said, if a violation occurred and you, as the interim, issued a violation, how can the town's attorney advocate for the entity that received the violation, to fill out a new application and basically start a process over again when a violation was recorded; doesn't that set a precedent. Mr. Morris said the violation was the fact that they didn't have a permit. So they filed an appeal, which takes us straight to environmental court. What Mr. Morris and Mr. Callahan did was tell the appellant that if they wanted to go to court, they could, but all the town wants is for you to apply for a permit and we can go through the permitting process. Mr. Callahan worked with their attorney and they agreed to file for a permit that they insist they do not need. Ms. Murphy asked what happens if it is denied. Mr. Morris said they still have the opportunity to appeal that they even needed one and then we can go to court. This has been worked out in the "attorney circles" just so the community has a voice and they can express their concerns and also so the town could learn exactly what is going on inside the HCRS house. He said the hearing was very good; there was a lot of discussion from the public, some explanation from HCRS, and now the zoning board is making their decision. Ms. Richardson said she worries because HCRS has no control over the tenants. Mrs. Esty asked to have a copy of the zoning board's decision provided to the select board. Ms. Richardson asked to be on the next agenda, "so we can go into it a little further." Mr. Morris said we shouldn't be talking about this much until it is over. Mr. Boyer and Mrs. Esty said the select board has no jurisdiction over the zoning issues. Mr. Wilkins said it had been a week (since the hearing) and he anticipated something about the results on the town website very soon.

### **7. Village Designation**

Mr. Wilkins said Richard Amore and Caitlin Corkins from the Agency of Commerce and Community Development, visited the Planning Commission meeting and gave a presentation on Village Center Designation. He took Mr. Amore and Ms. Caitlin on a tour joined by some Perkinsville residents, and people who were very familiar with the commercial and municipal activities in Ascutney village as well as Perkinsville (AnnMarie Christensen, Ernie Shand, Gil Whittemore). After the tour and dinner, they attended the Planning Commission meeting. There they gave a 1 ½ hour presentation. He said they were very sensitive to the two-village concept and making sure there was "some real equity", so no one village would seem favored. Critical to the discussion is determining the boundaries of the villages. He said they are working on that now. He said they will be seeking select board approval of the village boundaries and some of the projects they will be looking at.

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Mr. Wilkins said it is important to developers and property owners to know what is available to them. He said if he “closes his eyes”, he can see Gil Whittemore's store, Bartons' Garage, and the 1879 schoolhouse, but there is a lot more than that – there are a lot of houses that probably need to be renovated; there are utilities that are either lacking or could have improvements made (in Perkinsville). In Ascutney, there is a pretty well-defined village district because there has to be commercial, municipal, retail and not just residential – there has to be some economic activity, because what the village center designation provides are tax credits for ramps, ADA access; elevators, better lighting, signage, sprinklers in public buildings. He said for an example, Mr. Whittemore is working on his store – he is eligible for tax credits if Perkinsville had village center designation. If he chose not to use them, he could sell them. There are banks waiting to take advantage of tax credits. Ms. Corkins had said she has a list; if we have village center designation, you have project that meets our standards, we will work with you to distribute these tax credit revenues back to the property owners or developers.

Mr. Wilkins said they are fairly comprehensive. He said his next step is to hand out information to property owners and to some of the brokers and potential developers.

He said the board will need to approve the village boundaries and the concept of the village center and once the designation is approved by both regional planning and the state, he will inform property owners, developers, owners of the former Claire Murray store and the Magic Mushroom – buildings like that will be eligible.

Mr. Wilkins said this would open up possibilities for VTrans funding for things like sidewalks, pavement repair, marking. Things like the broken pavement at the entrance to Running Bear Campground are financible with village center designation. He said it is “like a gateway to funding”.

Mr. Cole asked if the boundaries of the incorporated village (of Perkinsville) would be the boundary of the village center. Mr. Wilkins said it will probably go from the schoolhouse down Center Street to the grange and a little bit beyond the church, including the garage. Mr. Morris said it will not follow the village boundaries. He said in Ascutney, they are talking about cutting it at town hall to the intersection. He said he was told if we set the boundary at town hall and “we can start getting some commercial back in” (e.g.) the Magic Mushroom, that the boundaries could be extended as things change. It is primarily a commercial project.

Ms. Murphy asked why the boundary would not be extended to the Weathersfield Inn, given that it is such an historic structure as well as a business. Mrs. Esty added that there is a business across the street from there that could also be revitalized. Mr. Morris said

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that it's because there are so many houses in between. Also, they are too far away from the center of the village; walk-ability is very important; and it is not intended to burden the town with too large an area.

Mr. Wilkins said there are monthly applications for this designation. He said he would probably be ready by the first week of February. He then said he would have a draft ready by the first meeting in January.

Mr. Morris said he was impressed by the pictures in the information packet, showing the number of blighted buildings that were transformed through the program and the increases to the grand list as a result. He said he felt this was something the town really needs.

### **8. Approve Hazard Mitigation Grant RFP for consulting services**

The town has been awarded a grant to write a hazard mitigation plan. The plan will have to be facilitated and written by a consultant.

**Motion:** To approve the release of the RFP for local hazard mitigation services as written.

**Made by:** Mrs. Esty   **Second:** Mr. Cole

**Vote:** Unanimous in favor

### **9. Citizen Survey Timeline**

Mr. Morris asked the board to set a deadline for the citizen survey.

**Motion:** To close the survey on December 9, 2016.

**Made by:** Mrs. Esty   **Second:** Mr. Cole

**Vote:** Unanimous in favor

Mrs. Esty has input all of the handwritten responses gathered on election day. She encouraged people to go to the town website and answer the survey. She said some of the questions are half and half right now and it could make a big difference if more responses were received. She said less than 10% of the townspeople have responded. Mr. Morris said 180 responses have been entered as of this day. He said he had three more written responses in his office.

Nancy Heatley said she had gone online to complete the survey and it wasn't there. Mr. Morris said he would look into it and get it restored.

### **10. Accountant Title and Pay Structure Change**

Mr. Morris said that when he first came to the town, Mr. Butler was already acting in the capacity of a financial director. He said they had had some discussion and Mr. Butler had mentioned that Mr. Mullen had discussed that with him (Mr. Butler) and had

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discussed various pay increases that had not happened throughout the year. Mr. Butler had approached Mr. Morris a couple of weeks ago and they again discussed this a bit. Mr. Morris has looked at Mr. Butler's job description and that of financial directors in other towns and saw they were very similar. Mr. Butler supervises accounts payable. He said Mr. Butler attends most select board meetings. He said Mr. Butler does a really good job of closing up the books at the end of each month and giving the board reports of where the town stands on the budget. He said there are a lot of other meetings that he has talked about attending – he can't attend them all and Mr. Butler has shown some interest in attending some of them that have financial impacts on the town. With that and the overtime he has accrued, Mr. Morris said it makes sense to move him to a salaried position as a supervisor who has personnel under him. He recommended a salary of \$55,000, which is actually less than the state range of \$63,000. Mr. Morris said he would like to move him there which would be in line with the overtime he has been working – it is a little bit above where he was at, but Mr. Morris said he would be expecting more out of him if this is done. He asked the board what they thought of the idea.

Mr. Boyer said he thought it was a good move. He said he has noticed that Mr. Butler has done a lot and picked up a lot since he started under Jim Mullen. He felt in the long run it would work out better for the town. He said he relies on Mr. Butler at select board meetings to supply answers in the moment.

Ms. Murphy said she was fine with it, but she strenuously objected to the verbal agreements that were apparently made between Mr. Mullen and Mr. Butler. She emphatically stated that it should be the board's policy to everyone that if something isn't in writing, "it's not happening". She further added that if pay increases are given, they must be documented. She said she has heard and read in the minutes the the board hasn't given out raises and she said that that's not the case. She said she has recently been told that after the last meeting there were a couple of people that received increases in their salaries that was not a full-blown raise. She said the board needs to receive documentation of that.

Mr. Boyer said he agreed and that the board should have the job descriptions and whenever an opening is coming, the board needs to look at the job descriptions. Mr. Morris said he had a job description for Mr. Butler's position available for the board that he just finished today.

Mr. Cole said he wanted to see the job description and how it relates before any changes are made. He said given the recent events here, with Crystal resigning, will that change the pattern here. In the past, the accountants were not full time and they were doing as much if not more than Mr. Butler is. He said he would like to see where that difference

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is coming in – what warrants a full time position. He said he was not convinced that that needs to happen.

Ms. Murphy asked that the job description delineate what is current and what it has been changed. Mr. Morris said that the current job description does not reflect what either position is doing (accountant, accounts payable).

Mr. Cole said there are standards that outline when the change from hourly wage to salaried position is proper. He wanted to be certain these standards would be met.

Mrs. Esty asked if any of Mr. Butler's current work load could be shifted to other employees. Mr. Boyer said that Mr. Butler has taken over informational services. He is working with our contractor on the programming and hardware that we have in the building.

Mrs. Esty then asked if the town should set up a separate IT section or is that the typical responsibility of a finance director. Mr. Morris said no, but he put it as “other duties” in the job description. He said we are not big enough to have an IT department. We contract with CCI to handle our IT management, but Mr. Butler does a lot of “in house” tasks. Since we pay CCI by the hour, it saves the town a lot of money when Mr. Butler can handle things himself.

Mrs. Esty said she would like to see that broken down – what he spends on IT and what he spends on accounting. Ms. Murphy said the town was “tapping into” Mr. Butler's previous area of expertise. If he were to leave, it is unlikely that the next candidate will share that same skill. Mr. Morris said that happens a lot and that it's going to happen a lot. When Jenness was here, she loved and did a lot of HR work. When Mr. Butler came on, he took the IT and really buckled down on doing a lot of reporting that had not been previously done. Crystal took on the HR work then. With each change in personnel, tasks shift around a bit.

Mrs. Esty said that no raise is in the budget, regarding Mr. Mullen's verbal agreement. Any raise given to Mr. Butler would have to come from another line item. She added that many employees have not had raises for many years and she had a really hard time giving one employee a raise in the middle of the year. She said everyone deserves a raise, especially those employees that have been here for many years. She didn't think it was fair.

Mr. Cole agreed. It should be addressed in the new budget. He said things may change when Crystal's replacement is hired – responsibilities may change yet again.

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Mr. Boyer said once the position goes to salary, the overtime stops. He may already be making the difference between his current wage and the salary in overtime pay. Mrs. Esty said that in that case, she would like to see it documented to prove it's the case.

Ms. Murphy asked how long ago was it that the position was part time. Mr. Cole said it was never full time. Mr. Morris said it was 36 hours when Mr. Butler started. Mr. Cole said that both Mr. Clough and Mr. Adams were highly qualified and neither one of them ever felt that they were being over worked and they were not full time. And both of them did routine IT work as well.

Ms. Murphy asked Mr. Morris to make a spread sheet showing how much each town employee (no names) was making three years ago per hour or salary and how much they are making this year. She wants to see what employees were actually being paid then and now. She said if it clearly shows that no one has received any raises, then the budget committee and the board definitely need to take that into consideration.

Ms. Murphy asked if this will go to the budget committee and if the budget committee is looking at raises. Mr. Morris said that some of this has gone to and through them without approval, just as a recommendation. Mrs. Esty asked if the budget committee had seen this particular proposal. Mr. Morris said not in its entirety. He said the raises that were put in the budget did go through. He said the budget committee is pretty much done with what they are doing except for presenting the budget to the board at the next meeting at which time the board can discuss this with them.

It was agreed to continue the discussion at the next meeting with the information that has been requested.

### **11. Fireworks Policy**

The board reviewed the draft policy as rewritten by Ms. Murphy. Mrs. Esty asked to have the word "specific" added to the 2<sup>nd</sup> sentence in the next to the last sentence under section IV. Everyone agreed to it. She also questioned "indoor fireworks" in #2, section V. Ms. Murphy said it is in there because it is straight out of state statute.

Ms. Murphy said her take on this policy is that the state of Vermont has a statute on fireworks and the old fireworks policy had no reference to it or any information on it. She also said that the old policy had no enforcement in it. In order to have enforcement, our policy must be at least at the state level. The town can go beyond it, but we must have at least the minimum.

Mrs. Esty wanted to add the word "shall" in the sentence, " Sponsor and Authorized Representative ~~agree by signing to~~ *shall* read the Weathersfield Fireworks Policy and the

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pertinent Vermont State Statute.” Ms. Murphy said that these two sentences came from the prior policy and she thought when the board is through with their readings that it would be a good idea to have the town attorney look at that. She said she wanted the attorney to state that this is how the wording should be (or not).

Mrs. Esty wanted the statutory language included in the application rather than simply citing it and including it as a separate page with the application. Mr. Cole said, however, if the statute is simply referenced, the application does not have to be changed every time the statute is changed. Mr. Morris added that if the statute is changed and we don't know it, then the policy would be no good. Mrs. Esty concurred.

**Motion:** To move the fireworks policy with changes on to a 2<sup>nd</sup> reading.

**Made by:** Mrs. Esty      **Second:** Mr. Cole

Ms. Murphy noted that the number of acknowledging signatures has been increased to include the Police Chief, the Fire Warden, and both Fire Chiefs. Mrs. Esty said she would like to add the Town Manager to the list. Mr. Cole asked that the full title of each Fire Chief be included.

**Vote:** Unanimous in favor

Everyone thanked Ms. Murphy for her work on this.

**12. Appointments**

**13. Approve Warrants**

**Motion:** To approve the warrants for November 21, 2016 as follow:

General Funds	Operating Expenses	\$93,917.63
	Payroll	\$14,215.45
Highway Fund	Operating Expenses	\$17,451.79
	Payroll	\$8,431.58
Solid Waste Management Fund		
	Operating Expenses	\$6,419.73
	Payroll	\$981.42
Library	Operating Expenses	\$1,906.18
Grants	Operating Expenses	\$0.00

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Agency Monies	Operating Expenses	\$0.00
Reserves		\$0.00
Grand Total	Operating Expenses	\$119,695.33
	Payroll	\$23,628.45

**Made by:** Mrs. Esty      **Second:** Mr. Cole

Mrs. Esty wanted to know more about the line expense for Brady & Callahan for the River House. She also question \$141.45 for a Timex watch for one of the police officers.

**Vote:** Unanimous in favor

**Motion:** That we cover the reimbursement for FloAnn Dango dated 11/21/16 in the amount of \$593.06

**Made by:** Mrs. Esty      **Second:** Ms. Murphy

Mr. Morris said this was to reimburse the hotel cost for the Northeast Clerk's Conference in Boston.

**Vote:** Unanimous in favor

**14. Future Meeting Agenda Items**

- a. HazMat Ordinance
- b. Accountant position discussion
- c. Social Services Policy (1<sup>st</sup> draft)
- d. Budget (1<sup>st</sup> draft) – December 5<sup>th</sup> meeting
- e. 2<sup>nd</sup> reading of fireworks policy

Mr. Morris said some of these items may get pushed off due to budget discussions.

Ms. Murphy asked what was in store for the December 12<sup>th</sup> meeting. Mr. Morris said this will be the joint meeting between the select board and the school board. He said both boards will have a pretty good idea as to what is being proposed in the new budgets. He said the select board discussion will be one item on the school board agenda. It will be at the school. The meeting starts at 6:30 PM, but the select board portion of the agenda will be closer to 7:00 PM. Ms. Murphy asked if Mr. Butler and Ed could be at the meeting, because both Mr. Butler and Ed are speaking “identical language” when it comes to evening out of the spikes in the budget. The meeting will be televised. Mr. Morris said it has been our philosophy and he was happy to hear that the school board is saying the same thing. He said he has been preaching this to the budget committee this year, that we need to get to that point where we can level out the tax rate instead of having heavy years and light years. Mrs. Esty asked if the budget committee could be invited to attend if they are available, because of the chance that something they learn at the school board meeting might change any of their recommendations on the

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budget that they are presenting to the board. Mrs. Heatley said that both she and Mike Todd sit on both the budget committee and the Planning Commission and they have a Planning Commission meeting at 7PM that same evening.

**15. Adjourn**

**Motion:** To adjourn the meeting

**Made by:** Ms. Murphy    **Second:** Mrs. Esty

**Vote:** Unanimous in favor

The meeting adjourned at 9:12 pm.

Respectfully submitted,  
*deForest Bearse*

**WEATHERSFIELD SELECTBOARD**

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Daniel E. Boyer, Chairperson

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C. Peter Cole, Selector

\_\_\_\_\_  
Kelly Murphy, Clerk

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Lynn Esty, Vice-Chairperson

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Amy Beth Main, Selector