

TOWN OF WEATHERSFIELD, VERMONT

SELECT BOARD

Select Board

Martin Memorial Hall
5259 Route 5, Ascutney VT
Monday, December 3, 2018
7:00 PM

REGULAR MEETING

MINUTES

Select Board Members Present: N. John Arrison
C. Peter Cole
Tom Leach
Kelly Murphy (7:14 PM)

Select Board Members Absent: Daniel Boyer

Ed Morris, Town Manager

Others Present:

Edith Stillson	Jeff Eaten	Michael Todd	Bill Daniels
Caroline Taylor	Diana Stillson	Paul Tillman	Darrin Spaulding
Sue Brown	Sven Federow	Ray Stapleton	Mark Johnson
Josh Dauphin	Natoshya Spaulding	Nick Koloski	Jeff Epstein
Tracy Dauphin	Cynthia Porter	Tim Austin	

1. Call to Order

Mr. Cole called the meeting to order at 7:01 PM.

2. Zoning Bylaws Hearing

Mr. Cole read the public hearing notice and opened the public hearing. He reviewed the process for amending bylaws and swore in all who wished to testify – Michael Todd, Paul Tillman and Sven Federow.

Land Use Administrator, Sven Federow, summarized the proposed changes:

- Habitat Areas – This amendment would allow administrative approval of certain projects that are within 300 feet of a deer wintering area or within designated habitat areas. The intent is to streamline the permitting process and reduce the burden on the applicant.
- Building Height, Structure Height – The amendment is intended to clarify the definitions of these terms.
- Compliance with Federal and State Law – this amendment is intended to ensure that state or federal law would take precedent in the event that a town bylaw is in conflict with either

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- Accessory Dwelling Unit – This amendment would clarify that ADUs can be up to 30% of the total habitable floor area of the principal dwelling or 600 SF; and that there can only be one ADU per parcel.

Mr. Cole called for questions for the board. Mr. Arrison asked why structure and building heights are defined separately. Mr. Federow explained that this reflects the way these terms are used in the bylaws.

Mr. Arrison said a bulkhead could be considered “exterior access” (under building height) and asked if this was the intention. After some discussion, it was determined that it wasn't the intention and a minor change in the language was called for.

Mr. Federow said that the town attorney thought that unfinished basements should be added to the list of exclusions in the definition of “Habitable Floor Area” in the ADU bylaw.

The board did not receive any testimony in writing. There were no further questions. It was agreed to continue the hearing to the January 7th meeting to incorporate the minor changes.

Motion: To recess the public hearing on the zoning bylaw amendments to the January 7th, 2018 select board meeting at 7:00 PM

Made by: Mr. Arrison **Second:** Mr. Leach

Vote: 1 abstention; 4 in favor

Mr. Cole turned the meeting over to Ms. Murphy.

3. Comments from Select Board and Town Manager

Ray Stapleton received an email from Sean Whelen, chair of the school board, thanking the highway department for allowing the school to get the last day of school in before Thanksgiving (by timely clearing of snow).

Mr. Arrison complimented the power company for their diligence in getting power restored after last week's storm.

4. Comments from Citizens on topics not on the agenda

Diana Stillson expressed her deep displeasure at learning that the board was discussing creation of a public boat access off the end of Sunset Boulevard near her home. She was dismayed that she and the residents of the road had not been informed prior to the discussion and stated that she was very much opposed to the idea on the grounds that it would substantially alter the character of her neighborhood.

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Mr. Morris assured Ms. Stillson that permission had not been granted to proceed – that the board had simply asked Mr. Morris to move ahead with additional research on the project.

Michael Todd, co-chair of the planning board, asked for an update on the noise ordinance. Mr. Morris said that the board is still in the research phase.

5. Review minutes from previous meetings – 11/8/2018

Additions/corrections/deletions:

a.

Motion: To approve

Made by: Mr. Leach **Second:** Mr. Cole

Ms. Murphy thanked Chauncy Tillman for a nearly verbatim rendition of the meeting. She asked that the start time of the meeting be changed from 7PM to 6PM.

Vote: 1 abstention; 4 in favor

Review minutes from previous meetings – 11/19/2018

Additions/corrections/deletions:

a.

Motion: To approve

Made by: Mr. Cole **Second:** Mr. Arrison

Vote: Unanimous in favor

Mr. Morris said he wished to clarify something – Mr. Girard had said that the minutes stated that no one from Ascutney was present and wanted that changed. Mr. Morris said that the statement was a direct quote from Ms. Murphy at the very beginning of the meeting and as such couldn't be changed. Ms. Murphy added that at the time she had made that statement, there was no one from AVFD present. Mr. Shand arrived after she had made that observation.

6. Cady Hill Reclassification Decision

Mr. Morris said the initial recommendation was for a 900-ft closure with a gate at the top. Since then, following discussion with Eric Taylor and Ray Stapleton, he is recommending a 700-ft closure with the gate at the closure. There won't be any in-between where whether we should or should not maintain it. The Taylors have agreed to provide a small easement to make a more suitable turnaround. (It won't be a full hammerhead on both sides of the road, but it will be more of an ell-shaped turnaround.)

Motion: To reclassify a section of Cady Hill 700 feet from the Center Road west stopping just short of the driveway to parcel 08-01-34 to a trail.

Made by: Mr. Arrison **Second:** Mr. Leach

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Vote: Unanimous in favor

Mr. Morris and Mr. Stapleton will work with the state to provide sufficient signage to warn motorists that the road is closed on the Center Road side.

There is a 30-day appeal period. It was agreed not to do anything on the road until that period is over.

7. Police Department Update

Chief Daniels said the department had been audited regarding \$25,000 worth of grant funds and had received an excellent review. All the money had been utilized.

Mr. Morris and Chief Daniels have been reviewing call statistics for last year – they organized the data by day and time of day and used the analysis to modify scheduling in the police department.

They continue to work on compensation data.

8. Discussion of Police Contracted Services

Chief Daniels said there had seemed to be some confusion about hours, miles and finances in the proposal to Cavendish. He said the proposal they had submitted was based on what they wanted for motor vehicle and an average of (?) they have and how much time they would spend on call volume. He said, “If you look at the hours we presented to them, it's not all us driving back and forth and going from call to call, driving around town. A lot of that is going to be sitting – like we do here – doing paperwork in our cars; cases where we do arrests. So out of that 24 hours, we may end up needing 13, 14, 15 hours just in doing criminal activity. And the rest of it is sitting and doing motor vehicle enforcement work.” He said criminal activity would not put a lot of mileage on the car – it will be going to a call, talking to the person, doing the paperwork and if need be doing the arrest paperwork.

Mr. Leach asked if Cavendish had agreed to any type of office space or rest room. Chief Daniels said, “When we talked to them initially we said we'd like to have a type of office – like just a little spot to set up our laptop computers that we carry in our cars to do paperwork. Some of this stuff we're going to have to come back here to do ...”

Mr. Arrison said that if the town supplies 25 hours to regional coverage and hires a full time officer, the town will have to cover the cost of the remaining 15 hours. “At \$65, we're covering expenses, maybe a little on the plus side.”

Mr. Morris said that the town is looking to hire a part time officer (we have already advertised it) and we're already budgeted for that money.

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Mr. Arrison asked how to build a budget around the uncertainty. Mr. Morris said he needed the board's approval – once given it will be moved into the budget. There will be revenue to offset anything that goes into the budget. He said yes, the overall expenditure goes up, but the tax rate does not change.

Mr. Arrison said he understood that, but the town will authorize x-number of dollars and we would exceed that. Mr. Morris said it will be in that number – it won't exceed it. He repeated that he needed the board's approval before he can move forward – before Cavendish or Baltimore can load anything on. So it will go into this year's budget as an expenditure – if it gets voted down, nothing says we have to spend it.

Ms. Murphy asked if Mr. Morris was interviewing candidates for part time but that are looking for full time. Mr. Morris said right now we are looking for a part time officer. If this comes through, it will be similar to what we did with Sven Federow – this is what we're offering; there's a possibility this could happen. He said they would work through that as things move forward.

Chief Daniels said the state laws have changed regarding police officer certification in a way that makes it favorable to part time officers. He said Windsor and the sheriff's office both use part time officers.

(There was much confusion over the concept of part time officers that are working 40 hours a week. The distinction between part time labor standards and part time officer certification clarified the confusion.)

Mr. Arrison asked if the Chief was comfortable putting a part time officer on the road. Chief said he is very careful about who he hires and puts new hires through additional training. Mr. Morris said this (proposal) is beneficial to the town of Weathersfield. If the proposal comes into being, we can get a full time officer- better recruitment and hopefully better training. By working with the other towns, we would spread the cost over three towns and provide a better service for all three.

Mr. Leach asked if he was fully confident with the \$65/hour rate. Chief said the first year his budget would go up, though he said he would not go over his budget numbers. He said he was very confident with the \$65. He repeated that they would not be putting a lot of mileage on the cars. Mr. Morris said they had reviewed the numbers several times and felt comfortable with them. He said the finances could be reanalyzed after the first year if adjustments seem necessary.

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Ms. Murphy asked Chief to speak to any reservations or concerns he may have with this proposal. Chief said with any expansion there will be “growing pains”. He acknowledged that some townspeople may be concerned that the officers will not be around town as much or as available. He said his biggest concern was personnel – attracting and retaining good personnel so there isn't a burden on the other officers.

Mr. Arrison wanted the contract to make clear that Weathersfield needs come first. Chief said if an officer is gone for whatever reason, the contract would lower services for the time frame in which the officer is gone. Mr. Morris said the loss would be spread fairly among all the parties to the contract.

Ms. Murphy asked if there had been any feedback from the other towns since the last meeting. Mr. Morris said they are waiting for us. He said he thought Baltimore is ready to go to town meeting. He is still waiting on Cavendish. This arrangement would start in July.

Motion: To authorize the Town Manager to incorporate revenue and expense for this into our operating budget

Made by: Mr. Cole **Second:** Mr. Leach

Vote: Unanimous in favor

9. Municipal Fire Discussion

Mr. Morris said that Mr. Spaulding had asked what affect NFPA would have on a municipal fire department and then he had mentioned that the Norwich fire chief had been reduced from full to half-time. Mr. Morris said he spoke with the Norwich town manager and learned that the fire chief is currently 3/4-time. However, they pay him to go to calls outside of his normal working hours, with a minimum of 60 calls per year. He said when one does the math it comes close to what we would be looking at for a full time chief.

Nowhere in NFPA is there a differentiation between municipal and non-municipal (except for industrial fire brigades). Any public fire department – whether volunteer or municipal – falls under the same standards. There is some differentiation between career vs volunteer fire departments namely staffing and response standards. In our current situation, moving to municipal will have no effect from an NFPA stand point.

Ms. Murphy said at the previous meeting a list of questions posed by the participants had been created. (She indicated that the list was posted on the wall of the meeting room.) It was agreed at the conclusion of that meeting that we would return to those questions and identify which of them needed to be answered before town meeting and which could wait until after town meeting. Mr. Morris had organized the questions into categories marked as chief-related; equipment-related; building-related; recruitment and response concerns; and miscellaneous.

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Ms. Murphy said she would present each question and take a show of hands to determine pre- or post- town meeting. If the show is evenly divided, the question would be set aside to a later time. She went through all of the questions and marked them accordingly. There were a few that were evenly divided. The list will be re-organized according to the responses.

Next the board turned to answering the questions: Why is a full time chief necessary – what do you want him to do? Answers given were:

- They will need to navigate between 2 dept in transition
- May start as Full-Time and then reduce hours
- Total focus on Fire Service
- Continuity, Consistency and Accountability of SOGs, budget control
- One budget vs two
- Town has authority in decision making
- When there are disagreements from both sides there is no means for Town to address
- Departments have complete discretion to spend at whatever degree chosen based upon member votes
- Grant research
- Accountable for all general maintenance
- Burden Off volunteers (paperwork + training)
- More time to address issues
- Provide a level of EMS
- Training recert hours and management of
- Volunteer Recruitment (+ retention)
- Hydrant Maintenance, testing + planning
- Training documentation management
- Discipline – personnel Management
- NFPA + current laws/regulations
- Building Inspection, rentals etc.
- Health Officer
- SOG's – Fire Chief would have absolute control of standards (one set only)
- Guaranteed response to calls (-insuring response)
- Planned equipment schedule – strategic and long-term planning
- Community Outreach
- Pre-Planning
- They would work on reduction of duplicate equipment
- Fire Chief presents and manages a budget to Selectboard

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- They are a department head
- Volunteers focus on actual training
- Better run cards, mutual aid assignments
- Define a clear line of communication
- Cape + Super Powers
- General Safety of Volunteers and Committee Members
- Fire Prevention – Daycares, School, Nursery Home more thorough than community outreach
- Fire Code Enforcement + Inspections
- Emergency Management + Plan Creation and Management
- Safety Classes for Public
- Fire Warden
- Future Water Supply Plans
- Respond to emergency calls – Be the chief
- Mutual Aid meetings
- Kearsarge mutual aid 3hrs
- Upper Valley mutual aid 3 hrs
- Connecticut River Valley mutual aid 2 hrs
- Repeater Assoc. Mtgs 2 hrs
- Red Cap (Dispatch) Mtgs 2 hrs
- LADC Mtg 1.5 hrs
- VLCT training for personnel one day/yr.
- Int. NH Assoc. for Fire Chiefs one day/yr.
- SU emergency prep. Group – school 3 hrs
- Statewide Fire Chiefs – career 2 hrs.
- Fire Investigation
- Fire Training for the Chief
- NFRS stats keeping
- Volunteers can take regional trainings

The next meeting dedicated to this discussion will be held on Monday, December 10th at 6:00 PM - 8:00 PM. At that meeting, this list will be revisited and added to if needed. Then the question will be addressed, what would you sacrifice to get down to a part time chief?

10. Budget Discussion

a. Fire Department Budget

The board had two fire budgets to review – one from the fire commission and one with a municipal fire department that Mr. Morris and Ms. Kelly created.

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Mr. Morris said these were pretty much the same budgets that the board had looked at at the last meeting – the fire commission one is unchanged. The municipal budget was altered to address concerns the board had about hazmat revenue. Based on town reports for the last five years, hazmat revenue appears to average \$26,000. Mr. Morris said he lowered it to \$20,000 to be safe. He is working on an increased figure for the costs.

Ms. Murphy pointed out that the ladder truck debt reduction and ladder truck interest expense under the municipal fire budget appeared to be monthly expenses. There was uncertainty as to whether these figures should be in the budget at all. Mr. Morris said he'd rather keep it in the budget for now. Ms. Murphy said she would like to see what it would look like without it.

Mr. Leach asked why the two departments appear different in the fire commission budget – AVFD \$32,000 straight stipend; WWVFD \$25,000 for operations and \$4500 for gear. Mr. Morris said this is what the chiefs had asked for.

Mr. Leach asked about the maintenance and repair line items. Mr. Morris said there should be highway service to the AVFD which we paid the mechanic portion; the other is if we have to contract out.

Mr. Leach commented on the equipment testing – it seemed high at \$6000 (municipal budget). Mr. Morris said that was total maintenance.

Mr. Morris said the figures are based on the last couple of years' budgets and what they have actually seen spent.

Hydrant maintenance figures were based somewhat on efficiencies if we had a full time chief – he would be doing some of it; there wouldn't be costs like there is now between the departments – it would be absorbed into the chief's salary instead of the highway department charging for it.

The cost for the municipal department for the general fund is estimated at \$1.4M with the tax rate at 0.3325.

The cost for the fire commission is \$1.3M at 0.3164.

The current tax rate is 0.3268. The estimated increase with the municipal would be approximately 1 penny. The total cost to have a municipal fire department with everything in there and the potential for social services agencies requests is about a penny increase more or less. The cost with the fire commission budget decreases one penny (i.e. no municipal department).

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Mr. Morris clarified that this is how the total general fund sits right now with all the departments. There are no significant changes coming.

Mr. Morris said it appears that there may be a \$35,000 surplus in the general fund. The board will need to determine what to do with it. He said he will be meeting with the auditors and will hopefully have something definitive by the next meeting.

The board will revisit this budget.

Motion: To extend the meeting beyond 9:00 to the end of the agenda

Made by: Mr. Arrison **Second:** Mr. Leach

Vote: Unanimous in favor

b. Land Use

Mr. Morris said there are no real changes to the land use budget except moving Sven to full time.

Mr. Arrison said land use should be generating a bit more money than it does and felt the board needed to look at the fee structure. Mr. Morris said they are looking at the fee structure as part of the bylaw changes. He said revenues were up from what was proposed last year. He said we could charge more money, but we're also trying to encourage more development – there's a balance there.

Mr. Morris said we also need to be enforcing our bylaws.

Ms. Murphy said Weathersfield seems to have a reputation for being difficult to build in. Mr. Morris said contractors actually charge more for building in Weathersfield. Ms. Murphy said she had suggested to Mr. Morris and Mr. Federow that they reach out to the contractors and realtors and find out what the issues are. Mr. Morris said it appears to be a problem getting through our planning process. Mr. Arrison said that compared to Hartland and Cavendish where there is no zoning our process would seem more difficult. Ms. Murphy said there needs to be an effort to weed through what is perception and what is fact and respond accordingly. Mr. Morris said they are working on it.

c. Overview

Mr. Morris said this section was for looking at everything and discussing any concerns the board may have.

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In the admin budget, the only concern is the telephone system that they have been talking about updating. Mr. Morris said he is going to be asking the board to approve a grant. The grant match is in the budget.

Mr. Leach asked about the jump in IT services. Mr. Morris said it depends on how we're adding to our computers. We are constantly adding computers and upgrading equipment. These expenses are spread out over the different departments.

Mr. Leach asked if we have a delivery date for the website. Mr. Morris said we don't have a date, but we're getting close. The website is built – we're just migrating data to it.

Ms. Murphy asked about computer equipment- cost to offset FC. Mr. Morris said it meant cost to fire chief. He said there was \$10,000 in last year's budget and \$2,000 in this year's. We completed our computer project and thus the reduction. Much of that was in replacing the server and the last of the computer updates. Next year we don't need to replace any computers.

Ms. Murphy then asked why would the IT budget increase by almost \$3,000? Mr. Morris said that is taking care of the equipment we have purchased. CCI takes care of all of our computers and services – all the updates, firewalls, security, etc. They maintain all of the Microsoft licenses. The increase is mainly from updating equipment.

Mr. Leach asked about town report production. Mr. Morris said it will be placed on the warning. It can't be reduced until authorized by the voters.

Mrs. Porter asked about expense reimbursement and “check machine efficiency”. Mr. Morris said the town bought a check machine. Use of the machine has reduced the number of trips to Windsor and thus the reduction is mileage reimbursement.

Ms. Murphy objected to the category “Expense Reimbursement”. It was agreed to relabel it as travel/mileage.

Ms. Porter asked about Ryan's salary in the highway budget. Ms. Kelly said the budget was set for a “second-in-charge” to cover for Ray if needed and thus an increase in salary. Ryan's salary was listed previously under Mechanics, but is now fully in a single line in the highway budget. The increase included moving Ryan plus budgeting in the difference for Assistant Superintendent.

Mr. Leach asked what Employment and Practice insurance are. Ms. Kelly said these are labor-related insurances. Crime insurance is to cover, for example, embezzlement by a town employee.

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There were no further questions on the Administrative budget.

Town Clerk & Finance:

The assistant town clerk dropped significantly because the hours were reduced and we lost a long-term employee. Nick Stapleton is now filling the position. Marion Ballom comes in on weekends to do land records.

Police Department:

Police Officers PT has been budgeted at \$38,000 but the actual expense was \$6,500. The extra will be used for the new officer if we go forward with the regional policing.

Also discussed: "Other" and "Army Corps" revenue and expenses.

If the regional policing goes through, the revenue and expenditures will be added in to the budget and should more than offset each other.

Library:

No discussion.

d. Highway Budget – Center Road Paving Discussion

Mr. Morris recommended leaving the \$80K for paving in the budget.

(Mr. Morris said he signed the sub-recipient grant agreement this week for the FEMA reimbursement – we should be getting \$26,000 back. It can go into the highway reserve.)

Mr. Morris said they are trying to build to \$135,000 for annual paving. (We still have hundreds of thousands of dollars worth of paving projects to get to, beyond Center Road.) It would be best to not have to continually borrow money for paving – this would help get us there. If the funds aren't used in any given year, they can be placed in reserve for the next year. (Mr. Arrison said we need to have a conversation about how we handle surpluses.) Mr. Morris said the attorney said the funds can be rolled into revenue, but putting it into reserve is 100% legal and what it should be. If we know we have a project that will cost more than \$80,000, we can put the \$80,000 in the budget to be placed in the reserves. If we budget \$80,000 and don't spend it, then we have to have the conversation about how to handle it. Based on the capital plan, if we get somewhere near the \$135,000 range, we will be able to replace paving on an ongoing basis and keep up.

Grant funds are not in the budget, but funds for grant matches are.

There were no further questions. The budget will be revisited.

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11. Approve Better Connections Grant

Motion: To authorize the Town Manager to apply for the Better Connections Grant to create a development plan for the Village of Ascutney

Made by: Mr. Cole **Second:** Mr. Arrison

This motion was withdrawn.

Motion: Approve and sign the resolution for the Better Connections Grant upon recommendation by the Planning Commission

Made by: Mr. Cole **Second:** Mr. Leach

Vote: Unanimous in favor

12. Request Use of Reserves to Implement New Phone System

Motion: To table

Made by: Mr. Arrison **Second:** Mr. Cole

Vote: Unanimous in favor

13. Appointments

No appointments were requested or made.

14. Approve Warrants

Motion: To approve the warrants for 12/3/2018 as follow:

General Funds	Operating Expenses	\$20,422.77
	Payroll	\$14,375.34

Highway Fund	Operating Expenses	\$6,526.84
	Payroll	\$11,208.56

Solid Waste Management Fund		
	Operating Expenses	\$5,810.58
	Payroll	\$1,541.60

Library	Operating Expenses	\$2,599.56
	Payroll	\$1,788.23

Grants	Operating Expenses	\$502.41
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Agency Monies	Operating Expenses	\$622.25
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Reserves		\$0.00
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Long Term Debt		\$0.00
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Grand Totals	Operating Expenses	\$36,484.41
	Payroll	\$28,913.73

Made by: Mr. Arrison **Second:** Mr. Leach

Vote: Unanimous in favor

15. Executive Session as per 1 V.S.A. §313(3)

Motion: To enter executive session as per 1 V.S.A §313(3) (E) AVFD Possible Litigation and (B) Personnel Issues at 10:03 PM.

Made by: Mr. Cole **Second:** Mr. Leach

Vote: Unanimous in favor

The board came out of executive session at 10:25 PM.

Motion: To allow the town manager to enter into discussions with AVFD's attorney.

Made by: Mr. Leach **Second:** Mr. Arrison

Vote: Unanimous in favor

16. Future Meeting Agenda Items

17. Adjourn

Motion: To adjourn the meeting

Made by: Mr. Arrison **Second:** Mr. Leach

Vote: Unanimous in favor

The meeting adjourned at 10:26 PM.

Respectfully submitted,

deForest Bearse

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N. John Arrison, Selector

Daniel E. Boyer, Selector

C. Peter Cole, Vice-Chairperson

Tom Leach, Clerk

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Kelly Murphy, Chairperson