

WEST WINDSOR SELECTBOARD

Draft Minutes

August 9, 2010

Present: Glenn Seward, Tom Kenyon, Bruce Boedtke, Susan D'Anna, Hal Pyke, Bob French, Barbara Gerstner, Gareth Henderson, Cathy Archibald, Mike Sullivan, Cathy Boedtke, David Jaacks, Dave Halpert, Mike Spackman, Merle Bushkin, Elvin Kaplan, Barbara Truex, Ralph Johnson, Mark Nowlan, Dennis & Tammy Conley, Martha Harrison

- 1) Call to Order – Selectboard Chair Glenn Seward called the meeting to order at 6:00 PM.
- 2) Public Hearing: 2010 West Windsor Town Plan – Glenn opened the public hearing on the 2010 West Windsor Town Plan. Hal said the Planning Commission incorporated the comments they received at their public hearing into the current draft. Tom asked when the Town Plan would be effective if it is approved tonight. Martha said it would be effective immediately. Barbara Gerstner said the Conservation Commission has been asked to look at ridgelines and asked how that relates to the Town Plan. Glenn said in the Town Plan, the Planning Commission has suggested that ridgeline zoning be considered so, if the Town Plan is approved, the Conservation Commission should go ahead and make a recommendation on ridgeline zoning. Hal said the PC's next job is to make sure the zoning regulations coincide with the new Town Plan. With no further comments, Glenn closed the public hearing. **Tom made a motion to approve the 2010 West Windsor Town Plan as presented by the Planning Commission, effective immediately. Glenn seconded the motion, which passed unanimously.**
- 3) Changes or additions to the agenda – Recycling assessment report
- 4) Public Comment – None
- 5) Town Clerk's report/Sign orders – The Selectboard signed the Town Clerk's orders.
- 6) Consider revising Public Assembly permit for Vermont 50 Mountain Bike & Ultra Run: Mike Silverman – Mike said the two buildings that are normally used for the start of the Vermont 50 are going to be vacant so they think they're going to be using a tent and generators, increasing the number of porta-potties, and moving the whole thing closer to the hotel building. Mike asked the Selectboard to give provisional approval for this alternative scenario. Mike said he has had indirect communication with the new Resort management and they have a tentative agreement to set up the tent in Cunningham's parking lot. Mike said if it's okay with the Selectboard, he will note the possible alternative starting location on the original application. Glenn said Mike should notify the town as soon as a decision is made. Mike agreed to notify the town prior to the next Selectboard meeting on September 13th.
- 7) Law Enforcement update – Glenn said the candidate that the Selectboard is considering for the Special Officer position is officially certified and is still considering whether he wants to accept the position. Glenn said he hopes to have more information by the next Selectboard meeting. Bruce asked if the Selectboard has made a formal proposal to the candidate. Glenn said no.
- 8) Town Forest interim policy discussion – Glenn said he reviewed Selectboard minutes from 2002 to the present, and Conservation Commission minutes from 2001 to the present, and there were many discussions about the town forest, but no real policy decisions made. Based on the discussions, Glenn recommended the following interim policies: All motorized vehicles (with the exception of snowmobiles) are prohibited; ATVs allowed by permission from the Town Forest Committee for trail maintenance only; gates closed March 1st to May 1st (mud season only); harvesting of firewood prohibited until a forest management plan is in place; all new trail work prohibited until a new town forest plan is adopted; trail maintenance activities are allowed; target practice with fire arms and/or archery equipment is prohibited; large (20 or more participants) organized trail events are allowed by permission of the Town Forest Committee. Tom said he would like to allow fire and rescue services to use motorized vehicles at any time. Tom said he thinks the policy should state that "trail

maintenance activities may be allowed with Town Forest committee permission.” Tom said the policy should also state that events with 100+ people need Selectboard approval and all fires need to be authorized by the town fire warden. Bruce said although the Town Forest Committee can make recommendations, the Selectboard should make decisions. Bruce said he thinks the gates should always be closed and locked because it prevents people from dumping stuff in the old gravel pit. Tom asked if the Town Forest committee needs Selectboard authorization to spend funds set aside for them. Glenn said requiring Selectboard authorization could be added to the policy. Bruce said he thinks that’s a good idea. Bruce said the FAST squad and the Fire Department should have a key to the town forest gates. Cathy Boedtke said the FAST Squad does not have a key. Cathy Boedtke asked who should be contacted about holding an event in the town forest. Glenn said the Town Forest committee should be contacted first. Cathy asked what to do if the committee does not respond. Glenn said if there’s no response, then call the Selectboard. Bruce said since the Selectboard has regular meetings, they can put it on their agenda and then notify the committee in case they want to discuss it. Cathy said Sports Trails of the Ascutney Basin (STAB) is proposing a family hiking and biking event on September 4th and asked how to get approval. Cathy also asked how the Selectboard is going to notify the town about the new policies. Glenn suggested rewording the policy so that permission may be granted by the Selectboard after consultation with the Town Forest committee chair. Cathy asked how the policies are going to be policed. Glenn said they will have to be self-policed to a certain extent, with users reporting abuses to the Constable or the Selectboard. Bruce said it may simply be a matter of educating people about the policies. Tom suggested sending a copy of the policies to each member of the Town Forest Committee. Glenn said the Conservation Commission should have a copy as well. Glenn suggested putting off adopting the policies until their next meeting to give the Town Forest Committee and the Conservation Commission a chance to review them. **Tom made a motion to consider adopting the draft Town Forest Committee policies at the next regular Selectboard meeting. Bruce seconded the motion, which passed unanimously.**

- 9) Energy audit discussion – Glenn noted a lack of communication regarding the school energy audit but said he thinks everyone is aware now that the regional planning commission will be assisting with the audit. Glenn also suggested proceeding with audits of the town hall, the library and the town garage. David Jaacks said the Energy Committee recommends awarding the energy audit contract to Building Energy. David added that the Energy Committee had submitted an application to the regional planning commission for the school audit, which is going to be done by a company called Zero by Design at the end of August. David said once the audits are done, they can be used as a baseline for energy improvements. Hal said there have been discussions about renovating the Town Hall in 3 to 4 years and, since the Planning Commission is charged with developing a capital budget for town building improvements, having the audits in place is important. Sue said it was her understanding that the school was not going to be included in the energy audits. David said the Energy Committee submitted an application for funding to get the school audit done. Sue asked if there is anything that the school needs to do to make this happen. David said the Energy Committee has the school energy bills from October 2008 to October 2009 but the audit company would like to have three years of energy bills so he requested that information from the Superintendent. Glenn asked Sue if she has any issues with regard to the school audit. Sue said no; she just wants to be prepared. Tom asked if we need to provide three years of energy bills for the town hall, the town garage and the library as well. Glenn said yes. **Tom made a motion to proceed with energy audits for the town hall, the town garage and the library as proposed. Glenn seconded the motion. Elvin asked if the firehouse is town property. Glenn said the firehouse belongs to the fire department. Glenn called for a vote on the motion, which passed unanimously.** Glenn agreed to contact Building Energy about proceeding with the audits. David said the regional planning commission is trying to put together a regional energy effort. David said the Energy Committee has been talking about better ways of educating the public about energy conservation. Dave Halpert said the Committee also talked about using the town

website to make energy conservation information easily accessible. Glenn said the Selectboard talked about making the website more user friendly at their last meeting.

- 10) EC Fiber – Since Dave Halpert is West Windsor’s EC Fiber representative, Glenn asked him for an update. Dave said it was disappointing that VTel got funding and EC Fiber did not, but EC Fiber is moving forward with a pilot project and intends to seek funding in the private equity market.
- 11) Highway Foreman’s report – Mike said work on the Brook Road project and the Route 44 shoulder safety project will start next Monday. Mike said mowing is done and ditching and culvert work will start at the end of August. Mike said there will be one more meeting of the Better Management Practices committee and then a letter will be sent to every Selectboard to get feedback on codes and standards. Glenn explained that Mike is involved in a committee in Montpelier that is dealing with some highway maintenance practices that the Agency of Natural Resources has adopted. Glenn said if the practices are not followed, the amount of state funding received by the town will be impacted. Mike said he thinks the town will be able to comply with the new practices but it’s something that every town will have to sign off on every year. Tom asked if some towns would see the new practices as an unfunded mandate. Mike said yes; that’s the number one issue. Mike noted that the Best covered bridge repairs were done about a month ago.
- 12) Town Constable’s report – No report
- 13) Wastewater Committee – Barbara Truex said the committee met twice last week. Barbara said the first meeting was with State Environmental Engineer Don Robisky to talk about funding for a community wastewater feasibility study. Barbara explained that if the town does not proceed with a wastewater project, the money for the study does not have to be repaid and if we do proceed, it gets rolled into the cost of the project and does have to be repaid. Barbara said Mr. Robisky referred to the funding as “an advance” rather than a loan or a grant. Barbara said the committee has also put together a “charge” so they know exactly what they will be doing with regards to the feasibility study if it’s desired by the town. Barbara said the committee has compiled a list of questions to ask other towns that have pursued similar projects, and will be in touch with the people in the village who would be most affected by a community wastewater project. Barbara said it makes sense to get professionals to assess whether or not we have a problem and, if so, what we should do about it. Glenn said a feasibility study is generally between \$15,000 and \$30,000 and the town is not responsible for the cost if we don’t proceed with a project. Glenn said the money is distributed on a “first come, first served” basis but there is money leftover from last year. Glenn said the size of the town and the number of people involved is not unusual, according to Mr. Robisky. Barbara said Mr. Robisky recommended looking at a community water supply system as well because sometimes a water supply can take care of wastewater issues.
- 14) Appoint additional wastewater committee members – Glenn nominated Mike Gannon for the wastewater committee. There was discussion about how many members the committee should have. Bruce and Glenn agreed that seven is a good number. **Tom made a motion to appoint Mike Gannon to the Wastewater Committee. Bruce seconded the motion, which passed unanimously.** Glenn said he would like to get a committee member from the village.
- 15) Town Hall ADA compliance – Tom said he talked to Ann Karlene Kroll, the director of the community development grant program, and she is satisfied with the project subject to review by the Department of Public Safety (DPS). Tom said DPS was here this morning and noted that the existing walkway is not in compliance with ADA regulations so they were pleased with the project and will recommend to Ms. Kroll that the funding - approximately \$12,800 - be approved. Tom said the plan is to close out the community development grant after this project. Tom said there is a Division of Fire Safety form that has to be filled out and a fee of \$68. Glenn asked if the state will waive the payment we owe them. Tom said yes.
- 16) Beaver Brook stream bank stabilization project – Glenn said he is planning to ask for a permit extension. Glenn asked if the Selectboard wants to pursue a portion of the project by moving some stones and cutting some trees. Tom asked if the town is allowed to do part of the project. Bruce said he doesn’t know. Tom asked about a time table for completion. Glenn said October 1, 2010. Bruce

said he would call Mike Adams from the Army Corps if Glenn could call the state's Stream Alteration engineer, Patrick Ross, to make sure it's okay to proceed in stages. Sue Greenall said she is present on behalf of Ottaquechee Natural Resources Conservation District (ONRCD) to make the Selectboard aware that there is funding through the Clean and Clear program for this type of project. Sue said the pre-proposal has to be submitted by October 1st, 2010 and ONRCD is willing to partner with the town on the project. Sue gave the Selectboard the application information. **Tom made a motion to apply for an ecosystem restoration grant from the Agency of Natural Resources' Clean and Clear program. Bruce seconded the motion, which passed unanimously.**

- 17) Snowdance LLC – Glenn said Snowdance LLC has undergone a management change and the Selectboard is in touch with the new management. Glenn said the new management is assessing the status of the Resort with regard to a number of issues including water and sewer. Glenn said everyone has been working hard to keep water and sewer flowing for the affected property owners and it looks like there is a temporary reprieve.
- 18) Windsor/Ascutney Sewage Treatment Enterprise (WASTE) – Glenn said WASTE has indicated a willingness to consider operating the sewer and water systems while things are getting sorted out. Glenn said the electrical components that run the lifts and the snowmaking are mixed in with the pumps that pump the effluent and the water so it all needs to be untangled. Glenn said everyone is working hard to get the problem solved in the short term. In the long term, Glenn said there is no indication as to what is going to happen. Glenn said the new management has expressed interest in keeping the Resort whole in hopes of operating it this year. Glenn said Snowdance is strictly the ski area, the base lodge, Cunningham's, and the raw land; everything else is Orange Lakes, which is very well managed and should be commended for doing everything they possibly can to help solve this issue. Dennis Lemire asked who has legal title to the property that the Plausteiners used to own. Glenn said it is his impression that Snowdance still owns and operates the ski area; there has simply been a management change within the organization. Glenn said the new management is UTVT and it is his understanding that UTVT is a company created to manage the assets of Snowdance. Tom said he and Glenn and others have "burned the midnight oil" trying to keep the power from being turned off. Tom said the town of Windsor, CVPS, the property owners, WASTE representative Hal Pyke, and Town Attorney Matt Birmingham have all been very helpful.
- 19) Town office renovation – Glenn said, given the amount of information that has been coming in to the Town Clerk's office, we are running out of space and need to consider making additional room for land records and improved work space. Glenn said Tom has gotten an estimate for moving Martha's office and turning it into storage and conference space. Tom mentioned a need for private meeting space and a problem with traffic flow. Tom said we're planning to renovate the lower portion of the building to make it more energy efficient and more efficient in terms of work space so the best thing to do is put up a temporary partition with a door so it's a lockable office. Tom said it should be inexpensive so we're not throwing money down the tubes when we renovate the hall. Tom said Gordon Johnson can do the job right away and the only other work that needs to be done is to move the telephone and communications and do some minor wiring. Barbara Gerstner asked if the additional land record storage space has to be fireproof. Cathy said she would like to buy fireproof metal cabinets to store birth, death, and property transfer records and use the vault for land records. Cathy said the cost of the cabinets will be covered by the restoration surcharge. Glenn said Gordon Johnson's estimate is \$1,920.82. Hal said he thinks the renovation is sorely needed because Cathy shouldn't have to act as receptionist and director of traffic. Bruce noted that some of the seating space in the downstairs hall will be lost. **Tom made a motion to approve the project. Bruce seconded the motion.** Glenn asked Martha if she had any comments. Martha said she thinks it would make sense to look at the whole picture, long term, since we're planning to do an energy audit soon. Tom said he envisions a study committee planning how to renovate the entire downstairs office space for the 100th anniversary of the building in 2015. **Glenn called for a vote on the motion, which passed unanimously.**

- 20) Correspondence – Mike Gannon: Glenn read Mike’s letter, dated August 1, 2010, regarding the water and sewer concerns of the taxpayers who own property in the Resort district.
- 21) Other Business – Recycling report: Tom noted receipt of the recycling assessment report. Public Comment: Glenn reopened the meeting to public comment since a number of people had arrived who were not present for the initial public comment period. Dave Halpert asked what the town is doing from a planning standpoint to keep West Windsor vibrant in the event of the potential demise of the ski resort. Glenn said the Selectboard has started discussing that but it’s a huge issue and they need input from everyone. Glenn said he’s sure everyone would like to have the resort open and operable and the Selectboard is doing everything they can in that regard but they have been sidetracked by the sewer and water situation. Hal said under the original 1998 Act 250 permit, WASTE was considered the backup should anything happen to the Resort. Hal added that there has been a proposal to give WASTE approval to operate the sewer line for 90 days and we anticipate that the proposal will be approved. Dennis Lemire said he hopes we will get a mailing address for the new management for tax billing purposes. Dennis asked about the discussion on interim town forest policies. Glenn read the proposed policies, including the additions and changes made this evening. Glenn added that the Selectboard would be the initial contact and it would be up to the Selectboard to solicit input from the Town Forest committee prior to authorizing any of the uses mentioned. Glenn said he reviewed Selectboard and Conservation Commission minutes prior to drafting the proposed interim policies. Glenn said there was a public hearing at one point and it was agreed that there would be no motorized vehicles in the town forest. Mark Nowlan said someone was shooting in the gravel pit last weekend and how are we going to police that. Glenn said responsible people who enjoy using the forest are going to have to police it. Cathy Boedtker asked about making signs for the entry to the forest. Mike said the signs will get shot and torn down. Mark said the road leading up to the parking lot is in the town forest and people drive up there all the time in cars and trucks, which are motorized vehicles. Mark asked if that is going to be stopped. Glenn said the Selectboard is going to forward the proposed policies to everyone for input prior to adoption. Dennis said you’re not going to restrict motorized vehicle access to the parking lot, are you. Glenn said no. Bruce said that needs to be clarified. Mark asked where the hikers are going to park if they can’t access the parking lot. Glenn said that’s a good point. Dennis said some of the proposed policies are disturbing given that the town forest is public land. Barbara Gerstner asked if it’s possible to attract Okemo or another resort operator to take over the operations at Ascutney. Glenn said the Selectboard has been told that there are 4 interested parties. Bruce said he knows Okemo is not one of them. Dennis said in terms of planning, the town is at the mercy of private enterprise.
- 22) Approve Minutes - July 9, 2010: **Tom made a motion to approve the minutes of July 9, 2010, as amended. Glenn seconded the motion, which passed with Bruce abstaining. July 14, 2010 - Tom made a motion to approve the minutes of July 14, 2010, as amended and corrected. Glenn seconded the motion, which passed unanimously. July 21, 2010 - Tom made a motion to approve the minutes of July 21, 2010, as amended. Bruce seconded the motion, which passed unanimously. July 22, 2010 - Tom made a motion to approve the minutes of July 22, 2010, as written. Glenn seconded the motion, which passed unanimously.**
- 23) Adjourn – **Tom moved to adjourn at 7:37 PM. Bruce seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison