

West Windsor Selectboard
Draft Minutes
April 15, 2019

Present: Brett Myers, Win Johnson (by phone, until 6:03 PM), Matt Kantola (at 6:03 PM), Martha Harrison, Gary Burke, Seth Warren (at 6:22 PM), Peter Varkonyi, Jeff Epstein (Eagle Times)

- 1) Call to Order – Selectboard Vice Chair Brett Myers called the meeting to order at 5:33 PM.
- 2) Changes or additions to the agenda – Request for liquor license for April 27 event
- 3) Announcements/Public Comment – None
- 4) Discuss the environmental assessment and purchase of the Burke property – Win expressed concern about the position the seller would be in if the town proceeds with a Phase II study and then decides not to buy the property. If Gary is okay with the risk, Win said he is not in favor of spending additional time and money to do a full Phase II study; he would prefer to do the limited scope “Phase II Light,” and then make a decision about proceeding with the purchase based on the results. Win said if the study shows that the property is contaminated, he would have second thoughts about the purchase. Win said the other option is to spend \$20,000 for a full Phase II study. Brett said she is not in favor of doing that. Win agreed. Martha said she sees three possible outcomes of the study: no contamination, minor contamination, or something really bad. Martha asked if the Selectboard would proceed with the purchase if there is minor contamination. Win said he thinks it depends on whether the contamination is contained; if it’s contained and adjacent wells are not in danger, then we deal with the contamination when we’re ready to build the fire station. Win said the sand pile is an important issue, opening the trail would be nice, and when the time comes to build a new fire station, the town is going to be thankful that it has this property. Martha said if the study shows minor contamination and the town decides to enter the BRELLA program and buy the property, the town would have to do the additional work needed for a full Phase II study. Win said we’ll have to cross that bridge when we come to it and rely on the advice of professionals about going into the BRELLA program. Gary said he thinks the full Phase II is a waste of money and he has no objection to the “Phase II Light” because he doesn’t think it’s going to show anything. Brett said her concern is that the town does not leave Gary in a tough spot. Win agreed and said he is heartened by Gary’s confidence. Win and Brett agreed to take a break from the discussions about the Burke property to consider Peter Varkonyi’s request for a liquor license.
- 5) Other Business – Liquor license request: Peter said the Butcher & Pantry is catering a fundraiser for STAB and Ascutney Trails Association on April 27th and they’ve been asked to serve beer at a cash bar from 5:00 PM until 8:00 PM. Peter said whenever they use their catering license for an event involving alcohol, they need Selectboard approval. Win asked about the volunteer appreciation day on May 5th. Peter said the Butcher & Pantry will be serving pizza at that event, but no alcohol. Win said liquor license applications usually come through the Town Clerk and asked if it would be a problem to wait until the next meeting on April 22nd to consider this request. Peter said the event is on April 27th so they’re in a time crunch. Peter said the application form says “each catered event must have town approval before submitting to Liquor Control.” **Win moved to approve the application conditioned upon the concurrence of the Town Clerk. Brett seconded the motion, which passed unanimously.** Win asked Peter to make sure the Windsor Police know about the event.
Speed cart: Win said he forwarded an email he got about placing the speed cart on the

Brownsville-Hartland Road. Brett said it's back in Windsor now. Win said he would like to have it placed on the Brownsville-Hartland Road as soon as possible. Win asked if the data that the cart provides will fulfill the requirements for a traffic study. Brett said, according to Mike, it won't.

- 6) Continue discussion of the environmental assessment and purchase of the Burke property – **Win moved to proceed with “Phase II Light,” try to get the results as soon as possible, and then make a decision. Brett seconded the motion.** Martha asked Gary if he is okay with extending the deadline until June 30th. Gary said, based on his conversation with Seth, he didn't think it was necessary to go that long. Martha said we were told that “Phase II Light” would take six weeks and the town would need some additional time to discuss the results and make a decision. Martha said six weeks from today is May 27th. Win suggested June 15th as a deadline for making a decision. Gary agreed. **Win amended his motion to include June 15th as the deadline for the town to make a decision. Brett seconded the amended motion, which passed unanimously.** At this point, Win got off the phone and Matt arrived. Brett told Matt that the Selectboard agreed to proceed with “Phase II Light” and to make a decision on the purchase no later than June 15th. Gary noted that he has a working septic system and working water lines. Matt asked if the water system is running. Gary said yes. Gary said he can mark the water line and the electric line but he doesn't know where the septic lines are. Brett asked if Dig Safe needs to be contacted. Martha said she thinks the contractor would know if he needs to contact Dig Safe. Gary said it's possible that the floor drains go into the septic tank or the leach field, and he doesn't want his septic system to be damaged. Gary said he can mark the location of the septic tank. Gary noted that he has never used the water as potable water. Martha said LE Environmental's proposal was contingent on the town providing a backhoe and operator. Matt asked if Mike is going to have his excavator soon. Brett said she is not sure. Matt asked Gary if he could dig some test holes. Gary said he could but he would add it to the purchase price. Martha said she will contact Alan and ask him to send us the proposal. Gary said his electric line follows his water line. Martha said she'll tell Alan to contact Gary if he needs anything marked. Jeff asked about the difference between Phase II and Phase II Light. Martha said a full Phase II requires additional testing and reports to be compliant with EPA and DEC standards, so it's more expensive. Martha said the town coined the term “Phase II Light” for a more limited Phase II study that would give us an idea if there is something out there that we need to be concerned about. Jeff asked if there will be soil testing. Matt said yes; they will excavate soil adjacent to the building. Jeff asked if it will go to the state lab for testing. Martha said it goes to a qualified lab, but she doesn't know which one. Gary said they also use chemical monitoring devices. Gary asked about Ted Siegler's involvement at the last meeting. Martha said Ted is the Chair of the Conservation Commission and he was involved in the Phase I and II studies at the maintenance garage on the mountain. Gary said the ski area repaired all its equipment at the maintenance garage, so it's different from his garage. Martha agreed that the ski area garage can only be used to store equipment. Brett asked if the contamination at the ski area can just stay there for 20 years if the town's not going to do anything with the property. Martha said yes, if it's not migrating off the site. Seth arrived at 6:22 PM. Brett summarized the Selectboard's decision to proceed with a Phase II Light study, to extend the deadline to June 15th, and to repair any damage that occurs to Gary's well or septic system as a result of the study. Brett added that if the study shows contamination, the Selectboard would have to consider not purchasing the property. Seth said he will create an addendum that extends the contingency, extends the closing date, grants permission for the study, and confirms that the town will repair any damage to the seller's infrastructure. Seth asked if the Phase II

contingency should sunset at the end of May. Martha said she thinks the idea was to extend the Phase II contingency to June 15th because the study is going to take six weeks. Brett said her understanding was that the Selectboard would make a decision by June 15th. Seth said the attorneys will need at least a week to prepare closing documents. Matt said if the Phase II report looks good, we can have them start working on the documents. Seth said he'll run the contingency to June 7th and extend the closing to June 15th and, if we need a little wiggle room, we can discuss it when the time comes.

- 7) Possible executive session per 1 V.S.A. §313(a)(1)(A) and 1 V.S.A. §313(a)(2) - None
- 8) Adjourn – **The Selectboard adjourned by consensus at 6:33 PM.**

Respectfully submitted,

Martha Harrison