

West Windsor Selectboard
Draft Minutes
April 1, 2015

Present: Glenn Seward, Dick Beatty, Tom Kenyon, Matthew Birmingham (Town Attorney), Martha Harrison, George Calver (VT Standard), Cathy Archibald

1. Call to Order – Selectboard Chair Dick Beatty called the meeting to order at 7:30 AM.
2. Changes or additions to the agenda – the order of items considered was rearranged to make the best use of the Town Attorney’s time. Additional items considered under “Other Business” at the end of the meeting included funding for flags, Library Trustees, Town Hall roof work, fire safety issues, Sheddsville Cemetery wall, Hale appraisal, High Meadows grant letter
3. Consider options to fill vacancy on Selectboard – Matt said he sent the Selectboard a memo on their options, which include appointing until the next election, which can be either a special election or the regular March election, or holding a special election. Dick asked if all three of the current board members can participate in making that decision. Matt said yes; Glenn is still a voting member of the Selectboard until May 1st.
4. Consider EC Fiber Interlocal Contract – Matt said he had a conversation with Paul Giuliani and Paul is revising the contract to address the default and interest rate issues. Matt said, in this case, Paul does not represent the town; he represents EC Fiber. Dick said one of the articles voted on at the special town meeting on EC Fiber suggested that the town would own the infrastructure and lease it to EC Fiber. Dick said he does not want to sign a document that is at variance with the vote. Matt said he will address that issue with Paul. Glenn said there are minutes from a meeting at which Tim Nulty stated that West Windsor would own the hardware. Matt said he thinks Paul will want to meet with the Selectboard to make sure the contract is acceptable.
5. Discuss Nilson property acquisition – Matt said he contacted Chris Nesbitt and he’s going to find out who represents the Nilsons. Matt said the snowmobile group was offering \$1,500 for a permanent easement, not a license. Matt said he emailed Chris and Mark Tatro yesterday expressing the Selectboard’s preference for a license rather than an easement. Glenn said it’s his understanding that the Selectboard is okay with losing the \$1,500 from the snowmobile group. Tom and Dick agreed. Matt said he thinks the town can write a license that will satisfy the group.
6. Gray tax appeal update – Matt said the Listers are having an appraisal done on Friday at 9:00 AM. The appraisal that the Grays had done is \$450,000. The last offer by the town was \$510,000. The appeal is scheduled to be heard in Superior Court on May 18th. Matt said the final decision on what to do with the town’s appraisal rests with the Selectboard.
7. Anticipated Executive Session - 1 V.S.A. §313(a)(1)&(3) – **Tom moved to go into Executive Session. Glenn seconded the motion, which passed unanimously.** After discussion, **Tom moved to come out of Executive Session. Glenn seconded the motion, which passed unanimously.** Dick explained the options for filling the vacancy on the Selectboard (see item #3). **Tom moved to put this item on the agenda for the next regular meeting on April 13 and, if a petition doesn’t come in, the Selectboard can take it up then. Dick seconded the motion, which passed unanimously.**
8. Announcements/Public Comment - None
9. Water system update – Meeting: The Selectboard members are all available to meet with Aldrich + Elliott and the state Drinking Water Division Engineer on Friday, April 10th at 10:00 AM. Mountainside well: Martha said according to the survey map on file, it appears that the old well that used to serve the Mountainside Condos is not on their property; it appears to be on MFW’s property so it could become the town’s responsibility when the town acquires the property. Dick noted that the well no longer serves the condos, which are served by the resort water system. Tom asked if the state will allow the town to weld a cap on it. Martha said, according to Patricia Beavers, that’s one option. Dick said it’s his understanding that the booster pump can be avoided

by piping around it. Martha confirmed that the booster pump is on Mountainside's property. Water system: Martha said the floats are still frozen, or there is some other problem with the telemetry for the water system, so Dennis Brown is still operating the pumps manually every day. Martha added that water is getting into the control room for the pumps. Snowdance has been informed of the problem and has indicated that, since the town was appointed receiver for the water system, it's not their problem. Tom asked where we stand with regard to bypassing those pumps. Martha said A+E will address that at the meeting on April 10th. Martha said she needs to touch base with Taylor Whiteside at AT&T again to make sure he has all the information he needs to start reimbursing the town for the electricity AT&T is using for their cell tower. Dick asked about the damage to the security fence. Martha said it was the perimeter fence that was damaged and it's her understanding that AT&T hired Miller Construction to fix the fence and the gate but she has not gone up there to check. Tom said he saw them up there. Dick asked Tom to check and see if the work was done. Acquisition of water system: Martha asked the Selectboard if they are still comfortable acquiring the water system given the issues with water getting into the control room and the unresolved issues associated with the 1998 fuel spill. Tom asked if there are funds available for cleaning that up. Glenn said, according to Tom Kennedy, there are brownfield funds available. Martha said she emailed Tom and he passed her inquiry along to Dan Potter, who hasn't gotten back to her. Dick asked about the \$10,000 deductible related to the fuel spill. Martha said if we can get the invoices associated with the prior work on that cleanup, then hopefully we can show that \$10,000 was already spent and any additional work that needs to be done would be covered by the Petroleum Cleanup Fund. Tom said the regional planning commission certainly has the funds to do this type of work. Dick asked if the application to acquire the water system is before the public service board. Glenn said yes; the PSB will review the purchase and sales agreement and consent to the transfer of the system from Snowdance to the town. Glenn said the town has signed a purchase and sales agreement so, if there are any concerns about acquiring the system, we should contact our attorney soon. Tom asked about the entity that threatened to intervene. Dick said he hasn't heard anything more about that and doesn't know if Matt discussed that with Nate Stearns. Glenn said the town should be notified if there's an intervention. Dick said he assumes that the application will either be approved or disapproved; if it's approved, then the town is presumably bound by its purchase and sales contract. Glenn asked Martha if her concern is based on the threat of groundwater contamination from the 1998 spill. Martha said that's one of her concerns and asked if there are any conditions under which the town can back out of the agreement. Glenn said that's a question for Paul Giuliani and suggested that Dick talk to Paul about the town's options. Glenn asked if Patricia is concerned about contamination from water getting into the control room. Martha said no; Patricia's primary concern about the control room is mold. Dick said if the town decides not to acquire the parcel with the UST on it, then the contamination wouldn't be our problem. Martha said it could still contaminate the water system. Dick asked if, in that case, the town would have to clean up the contamination or the owner of the property would have to clean it up. Dick asked if there's any part of the water system on that property that is cause for concern about contamination from the UST. Glenn said that's an engineering question. Glenn said there are pipes connected to the water system on that property but he thinks it's unlikely that contamination from the 1998 spill would have spread to the water source. Dick asked Martha to put this question on the agenda for the meeting with A+E on April 10th. Tom suggested taking advantage of brownfields funding. Dick said the state probably has requirements for putting the UST back in service. Tom asked if it's a single-walled tank. Martha said she thinks it's double-walled. Martha said she believes MFW did properly close it, with Dana Arey doing the work required. Dick said he will contact Paul Giuliani about the options for the town to extract itself from the contract if the town should choose to do that.

10. Update on subdivision and acquisition of resort property – Dick noted that there was discussion of issues associated with the acquisition in Executive Session but no action was taken. For George Calver’s benefit, Dick summarized the discussion that occurred under items 4, 5 & 6.
11. Failed septic system update – Tom said the Health Officer is working with Fire Safety to determine whether the buildings are safe to be rented out. Dick asked if the Health Officer will keep the Selectboard informed. Tom said yes.
12. Bible Hill culvert project update – Tom noted that the box culvert may need to be longer than 40’. Martha said the property owners, Rob and Joan Calhoun and Michael Epstein, were okay with the plans as discussed at the site visit. They understand that it’s going to be bigger than the current culvert and they don’t mind as long as it solves the flooding problems. Dick asked to see drawings. Martha provided Mike’s sketch of the culvert and a sketch showing the shift in the road. Tom said the owners were concerned about how far the wing walls will extend out. Martha said the road is going to shift slightly. The inlet for the culvert will be in approximately the same place but the culvert will be longer to accommodate shifting the road. Tom said the reason is to provide room for bikes, pedestrians and horses to cross the culvert without being in the middle of the road. Tom said the road will stay within the right-of-way although the property owners will have to grant temporary easements to allow for work outside the right-of-way. Martha said she has asked AOT to send release forms for the property owners to sign. Dick asked when the work will be done. Martha said, if we get the grant, the work will be done this year and, if we don’t, it won’t. The abutting property owners understand that. Martha said the grant applications are due on April 15th so the Selectboard will need to sign them on the 13th. Tom said the abutters are going to provide letters of support for the project. Martha said Rob Calhoun wants to be sure that his lot on the southeast side of the road does not become a non-conforming lot when the road is shifted. Martha said one option would be for the town to define the right-of-way now and make sure that the road stays within the right-of-way. Tom said Bob Farnsworth recommended doing a survey when the project is done to show that there was no impact on that lot. So potentially, Martha said, the road would not be in the middle of that right-of-way. Tom agreed. Dick asked if the survey would be covered by the grant. Martha said she thinks the grant will just cover the culvert replacement so moving and surveying the road would be at the town’s expense. Tom said we won’t know until they design it. Dick asked who is designing it. Glenn said there is no actual design; last year we just provided the parameters and the contractor bid the contract accordingly. Dick said as long as the property owners know what’s going to be done and have agreed, and we have some assurance that the one owner’s lot is not going to be reduced in size.
13. Consider signing Davis Foundation application – Martha said if the \$10,000 requested is received, half would go towards costs associated with the acquisition of the mountain parcel and half would go to an endowment fund for the town forest. Dick asked if there’s any reason the town should not apply. Martha said she can’t think of any; there are no restrictions or obligations. **Tom moved to approve signing the Davis Foundation application. Glenn seconded the motion, which passed unanimously. Tom moved to authorize the Chair to sign on behalf of the Selectboard. Glenn seconded the motion, which passed unanimously.**
14. Other Business – **Flags: Tom moved to approve \$500 for flags and holders. Glenn seconded the motion, which passed unanimously.** Library Trustees: Tom said usually two Selectboard members are Library Trustees. Tom asked Glenn to reconsider his resignation until May 1st. Glenn agreed. Tom said there’s another potential trustee who lives on the Brownsville-Hartland Road so we’ll interview her and get back to you after the next board meeting. Martha asked if Bruce Boedtke is still a library trustee. Tom said no. Tom said the state likes the library to have two Selectboard members as trustees since it’s a town library. Town Hall roof work: Tom had a proposal from Gerald Leone to fix the moss problem on the roof of the tower for \$4,400. Dick asked if the funds are in the budget. Tom said yes. **Glenn moved to approve the proposal. Tom seconded the motion, which passed unanimously.** Fire safety issues: Tom said the correctional people offered to increase the height of the balcony railing to bring it into conformance. The Fire

Safety division came to do an inspection and there are a number of issues that need to be addressed, including the heating system, the generator, fire safety itself, and maybe an expansion of the vault. Dick asked about the cost of increasing the height of the railing. Tom said he will get a proposal for the next meeting. Sheddsville Cemetery wall: Tom said the total cost is \$5,600 and we've already set money aside for it. Tom said he'd also like to move some spruce trees from the property near the talc plant to the cemetery as a buffer between the cemetery and the abutter's right-of-way. Tom said he will get a price for moving the trees. Tom said Randy Shambo will do the work on the cemetery wall. Dick asked if this is the last thing the town needs to do at the cemetery. Tom said yes. **Tom moved to approve the expenditure of \$5,600 to complete the work on the Sheddsville Cemetery wall. Glenn seconded the motion, which passed unanimously.** Brownsville Cemetery: Tom said there's a dead elm that needs to be taken down. Hale appraisal: Martha said she sent out an RFP for appraisals and no one has responded so she needs to contact some appraisers and see if they'll do it and how much they'll charge. Dick asked if we have to have an appraisal before we can move forward. Martha said yes; we have to have an appraisal of the pre-disaster value. High Meadows grant letter: Martha asked if the Selectboard had any comments on the draft letter. Dick said he doesn't think we have any funds budgeted to contribute. Glenn suggested providing non-monetary support. Tom agreed. Conservation Fund CD: Cathy asked if the CD should be renewed. Glenn said the Conservation Fund is going to get cleaned out in the TPL deal and suggested that Cathy close the CD.

15. Sign Town Clerk's orders – **Tom moved to sign orders. Glenn seconded the motion, which passed unanimously.**
16. Adjourn - **Tom moved to adjourn at 9:13 AM. Glenn seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison