

West Windsor Selectboard
Draft Minutes
August 24, 2015

Present: Dick Beatty, Tom Kenyon, Ted Siegler, Cathy Boedtke, Marissa Becker, Sherry Barbour, Bruce Boedtke, John Plaustiner, Mike Spackman, Cathy Archibald, Laura Stillson, George Calver (VT Standard), Laura Farrell, Martha Harrison

1. Call to Order – Selectboard Chair Dick Beatty called the meeting to order at 6:30 PM.
2. Changes or additions to the agenda – Consider correspondence under Town Clerk/Treasurer’s report.
3. Announcements/Public Comment – Tom said there will be some tree cutting the week following Labor Day. Tom also reported that household hazardous waste collection will be on September 12th at the Springfield Transfer Station from 9:00 AM until 1:00 PM.
4. Fourth of July Committee – Police services payment: Dick asked if the Fourth of July Committee was disbanded as a town committee. Dick said if it is a town committee, the committee has to act in accordance with the open meeting law. Cathy Boedtke said the committee was designated as an ad hoc committee by the Selectboard. Dick said if it’s going to be listed on the website, with funds being raised and going into the town accounts, then it should be an official committee. Dick commended the committee for their work. Bruce said he remembers the Selectboard agreeing to allow the committee to function as an ad hoc committee. Cathy Boedtke said the committee is here tonight to discuss the payment of the invoice for police services, which the Selectboard agreed to pay. Cathy Archibald said the committee is currently covered under the town’s insurance. Dick said if it’s a town committee it can be covered under the town’s insurance; if it’s not, then the committee would have to get their own insurance. Ted suggested dealing with the payment issue tonight and discussing whether or not the Fourth of July Committee should be an official committee or an ad hoc committee over the next few months. Ted said if it’s covered by town insurance and checks go to the town and the treasurer pays the bills, it should be considered an official town committee. Alternatively, Ted said, they could create a 501(c)(3) and run it independently. Ted suggested consulting with the Vermont League of Cities and Towns (VLCT) or Matt Birmingham. Regarding the \$182 payment for police services, **Ted moved to pay the bill with town funds. Dick seconded the motion, which passed unanimously.**
5. Consider public input on Conservation Easement – John noted that the Development Review Board (DRB) is currently considering the subdivision of property that would be affected by the easement. Dick said the easement would cover both the mountain parcel, which the town is hoping to acquire through the Trust for Public Land (TPL), and the existing Town Forest. John said he submitted his thoughts to the DRB because there were errors and omissions in the subdivision application that should be clarified. Dick said the DRB is only considering the 4-lot subdivision; they are not considering whether or not an easement should be placed on the property. Ted said the DRB will issue a decision and then there will be a 30-day appeal period before the decision goes into effect. John said there are things happening that were not part of the Act 250 application or the Act 250 permit. John said he doesn’t think he can comment on the easement until he knows what it is based on, which depends on the DRB’s decision. John said he is concerned about differences between maps. Tom noted that John will get a copy of the decision once it is issued. John said he would also like a copy of the minutes. Bruce Boedtke said the ski area property is ideal for multi-purpose intensive use but the existing town forest has a lot of sensitive natural resources and should be left as undisturbed as possible for the enjoyment of those who like peace and quiet. Bruce was concerned that the multi-purpose trail from the ski area to Kimball Farm Road would invite more traffic into the town forest, as would expanding the parking area on Coaching Lane. Tom said it’s been suggested that there be three separate committees focusing on forestry, conservation and recreation. Ted said the Selectboard has not acted on the suggestion but the idea is that the Conservation Commission would be responsible for the conservation easement; the Town Forest Committee would manage the forestry aspects; and Mount Ascutney Outdoors would manage the recreational activities. Ted said the

easement requires all uses, including back-country skiing and the multi-use trail, to be in accordance with the ecological values of the property. Ted said he is in favor of retaining an allowance for a multi-use trail in the easement to support as many uses as possible. In the future, Ted said, he thinks snowmobiles are going to be electric so noise won't be an issue. Ted said there are still comments coming from the VT Housing and Conservation Board on the current (fourth) draft of the easement so it is not final but he feels comfortable with it. Ted reiterated that ecological values over-ride everything else; if the multi-use trail gets over-run with invasive species, for example, Ted said the easement holder - Upper Valley Land Trust (UVLT) - can shut it down. Ted said he thinks there is a lot of protection against over-use in the document. John said his concerns parallel Bruce's concerns. John said there is a party raising funds to open up a ski area. John asked how they're going to run a ski area without a parking lot and a lodge. Ted said the parking lot is part of the property that is going to be acquired by the town and the conservation easement will allow a small warming hut at one end of the parking lot. Ted said there are two options with regard to the burned-out lodge: one is to require the current owners to tear it down; the other is to try to acquire it. Ted said there may be grant funds available to allow the town to have it torn down and then acquire it for \$1. Ted said the town is pursuing that option but the Base Lodge is not on the 460-acre parcel that the town is acquiring. Ted said it may also be possible to put a lodge on the maintenance shed parcel. Ted said the town is aware of the need for a lodge and is pursuing a number of options but the primary goal at this point is to acquire the 460 acres. John said skiing is going to require a parking lot and the parking lot is taken out of parcel #1. Dick said the parking lot is not part of the subdivision application, but it is a parcel that is being acquired by TPL to be conveyed to the town. John said the sooner we resolve the problem of the burned-out Base Lodge, the better. The Selectboard agreed with John. John asked what will happen if there aren't grant funds available to tear down the lodge. Dick said if funds aren't available, that parcel probably would not be acquired by the town but the parking lot would be acquired. John asked if that is written anywhere. Ted said it is on the maps for the conservation easement. John said on the map that was submitted to Act 250, it is hatched out, which means it is not part of Parcel #1. Dick said Parcel #1 is the large ski area parcel on the south side of Ski Tow Road, right next to John's house. John said Parcel #1 includes three lots on the north side of Ski Tow Road and the parking lot is one of them. Dick said the parking lot is not part of the subdivision application because it's a stand-alone parcel. John said the map shows which areas are involved and the acreages are wrong. Ted said the town is relying on TPL and they say they are going to acquire the parking lot and the acreage that the ski area is on. Tom said the town is not involved in the agreement between the present owner and TPL. Ted and Dick agreed. Tom noted that the town has not seen all of the paperwork related to the agreement because TPL is going to donate the property to the town. Cathy Boedtger said she is concerned about the double-track trail and the enlargement of the Coaching lane parking lot. Cathy noted that the access road for the Coaching Lane parking lot crosses a wetland and traffic travels too fast on the road. Cathy said she spends a lot of time in the town forest and has noticed a reduction in wildlife since the trails went in. Cathy said she is in favor of the acquisition but thinks the high intensity multi-use activities should take place on the land to be acquired rather than the existing town forest land. Cathy expressed concern about the ecological impacts of the proposed multi-use trail. Cathy said she thinks there are more hikers than mountain bikers who use the trails. Cathy said she had a conversation with a mountain biker from Barre who no longer rides the Millstone trails because they have become eroded from over-use. Cathy said you have to hunt for real wilderness these days. There was discussion about what is meant by "double-track." Ted said he is concerned about over-use by mountain bikes but he thinks the conservation easement provides adequate protection. Ted added that the easement prohibits the development of any new trails above the elevation of the existing trails, so that area will be pristine. Tom said if UVLT thinks the trails are being over-used, they'll shut them down. **Ted moved to authorize the Chair to sign the conservation easement once it has been finalized. Tom seconded the motion.** Tom said he would like the Chair to notify the other Selectboard members of his intent to sign before he signs. **Dick called for a vote on the motion, which passed unanimously.** Ted had another commitment and had to leave the meeting at this point.

6. Sign Town Clerk's orders – Cathy noted that the orders had been signed.
7. Town Clerk/Treasurer's Report – Cathy said she sent bills to two property owners on Coaching Lane Extension who have not paid their assessment, with interest added.
8. Correspondence - Phil Arvidson: Dick said Phil asked the Selectboard to consider discontinuing the 8% penalty for late filing of homestead declaration. Cathy described her efforts to notify people of the need to file. The Selectboard made no changes to current policy.
9. Highway Foreman's Report – Mike said fall scraping has started, the “new” used computer has been installed, culverts are still being installed and ditching is taking place. Mike noted that the home damaged by the mower will be repaired. Tom said the property owner's primary complaint was that someone could have gotten injured. Mike agreed that the mower is a dangerous piece of equipment and the house, in this case, is right where the mower discharges. Mike said the hydraulic pump on the mower is going to need to be replaced at a cost of approximately \$1,500. Tom asked Mike if he has any problem with tree cutting during the week of September 8th through 11th. Mike said no but asked Tom to let the highway department know when and where the cutting would take place. Tom agreed.
10. Consider Brownsville-Hartland Road paving proposal – Mike had a proposal for paving the Brownsville-Hartland Road from north of Cemetery Road to south of Knob Hill Road, including the apron of Hammond Hill, for \$67,944 with \$40,000 to come from the paving fund and the remainder to come from the re-surfacing fund. Dick asked about the area just north of Cemetery Road where there are lines painted on the road. Mike said the town has been monitoring that area since Irene, when there were indications that the bank could collapse, but FEMA denied the town's request for funds to fix it. **Tom moved to approve the expenditure of up to \$70,000 for paving as recommended by the highway foreman. Dick seconded the motion, which passed unanimously.**
11. Application for Public Assembly: Lucy Mackenzie Humane Society (4832 Route 44) for a 5K Race & Family Fun Day on October 3rd from 8:00 AM until 4:30 PM – **Tom moved to approve the application. Dick seconded the motion, which passed unanimously.**
12. Village sewer project update – Tom noted that he will be attending a workshop on the Davis-Bacon Act on September 29th. Martha said she will be attending also. Martha said the town does not yet have a grant agreement from the Vermont Community Development Program (VCDP) but our Clean Water State Revolving Fund (CWSRF) loan was conditionally approved. Martha said she has asked Aldrich+Elliott (A+E) to respond to the conditions. Martha noted that we are still waiting on an Act 250 permit. Martha also noted Matt Birmingham's email with regard to the sewer easement from MFW Associates. Dick said Matt will need to weigh in on that. Martha said A+E has calculated storage capacity for pump station 1 & 2 but we're still waiting for concurrence from the state. Martha said she and Ted met with Mr. Phillips and Ms. Vegh on Friday and provided them with the latest revisions to the easement and the map. Of equal or greater concern to them, Martha said, is the annual sewer fee. Regarding the post office property, Dick said, the engineers have figured out the connection costs. Martha said she is working on a letter to the property owner. Bruce asked if construction of the village sewer is still going to happen this year. Dick said the hope is to get the mains in this fall and install the service connections in the spring.
13. Water system update – Martha said there's some confusion about whether or not the town needs to apply for a Permit to Operate so she suggested applying. Martha said Jim Siriano from the Drinking Water Division would like to meet with Patricia Beavers and any town officials who may be involved in the operations to evaluate the town's capacity to own and operate a water system. Tom asked for an update on the Memorandum of Understanding (MOU) with Mountainside Condominiums and the status of their intervention with the Public Service Board. Dick said Nate Stearns sent Matt a revised MOU as it relates to the water issues. Dick said when the Selectboard signs the MOU, Mountainside will withdraw their intervention. Martha said she's trying to set up a meeting with AT&T and P2 Environmental to come up with a plan to get through the winter. Tom asked who is going to pay for whatever work is needed. Dick said it could probably be considered an emergency repair and the town, as receiver, is authorized to make emergency repairs per the court order but we need to determine what needs to be done and how much it's going to cost. Tom asked when the Utility

Committee meets again. Martha said their next regular meeting is September 21st. Martha noted Joe Duncan's opinion, in response to the committee's inquiry, that it is not necessary to purchase a new pump for the main well right now. Tom asked about the age of the pump. Martha said she doesn't know how old it is. Tom suggested asking Joe where we would get a replacement pump if we need one. John said Act 250 requires a stand-by pump on the premises but, unfortunately, it got stolen. John said Snowdance replaced the pump sometime around 2005.

14. Sign Permit to Operate and Water System Officials form – **Tom moved to authorize the Chair to sign the Operating Permit Application and the Water System Officials form on behalf of the Selectboard. Dick seconded the motion, which passed unanimously.**
15. Mountain parcel acquisition update – No additional discussion.
16. Adopt municipal planning grant resolution – Martha said the Planning Commission would like the town to apply for a municipal planning grant to update the flood hazard and zoning regulations. **Tom moved to adopt the municipal planning grant resolution. Dick seconded the motion, which passed unanimously.**
17. Police reports: May, June & July – Dick noted no unusual activity. Tom said he would like the police to put orange tape on disabled vehicles so we know that someone has been there.
18. Other Business – None
19. Approve Minutes - August 10: The Selectboard agreed to table consideration of the minutes of August 10th.
20. Adjourn – **Dick moved to adjourn at 8:10 PM. Tom seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison