

West Windsor Selectboard
Draft Minutes
February 16, 2018

Present: Dick Beatty, Win Johnson, Glenn Seward, Tom Kenyon, Jason Booth, Jim Barlow, Martha Harrison, Jeff Nelson (by phone)

- 1) Call to Order – Selectboard Chair Dick Beatty called the meeting to order at 9:00 AM.
- 2) Changes or additions to the agenda – None
- 3) Announcements/Public Comment – None
- 4) Discuss sewer issues – Win said the town has completed two major capital projects on the water and sewer systems, and is now turning its attention to identified sewer system repair needs. Win said Martha has done a lot of research and raised some issues that he summarized in a memo, which he distributed to those present in advance of this meeting. Jason said he thinks all the immediate needs are on portions of the system that the town controls. Win said, from a practical point of view, we're not sure we have a right to go up and start digging on the "upper loop." Glenn said, when he was Selectboard Chair, he pushed hard to get someone to acknowledge ownership of the "upper loop" so the town could take title to the system from somebody, but neither MFW or the upper loop property owners were willing to do that so that's one of the "loose ends" Martha identified. Glenn suggested that the town secure title somehow before they start digging. Glenn said, in his opinion, the upper loop starts right after the last manhole that serves Mountain's Edge. Jason said items #8 through #19 on the list of "immediate needs" would fall within the upper loop area. Win asked who built the upper loop. Glenn said it was built in the 1960s as part of the Skyhawk development. Jason pointed out that some of the upper loop system is not in the town highway right-of-way. Glenn said much of the sewer system may be on "common land" as defined in the protective covenants. Win asked if there are still questions about who owns the common land. Glenn said it's his understanding that MFW/Snowdance owns the common land but, through the protective covenants, the property owners have rights for utilities, recreation, etc. Jason said, where a utility has been in place for a long time, isn't there any easy way to establish rights to that utility for access and maintenance. Jim said there are a number of options: actual acceptance and dedication with a deed to the town; implied acceptance and dedication based on actions taken by the town and accepted by the property owners; or condemnation. Win said the town might be able to get an actual transfer by deed from Mountain's Edge and, for the rest of the system, go through the condemnation process. Jim agreed that the town can "mix and match." Glenn said, in order to object to the condemnation process, wouldn't the property owner have to acknowledge ownership. Jim said, in order to object, a property owner has to have an interest at stake. Win said the town could proceed with the repair work on the portions of the system to which we have clear title. Glenn said he thinks it's clear through the Asset Purchase Agreement (APA) that the town has access to the sewer line, wherever it is. Glenn said the APA doesn't specifically include or exclude the upper loop, but it does include the Hotel spur. Jim asked how intrusive the repair work will be. Jason said except for a couple of items, the immediate work is not intrusive. Jim asked if the reason the title to these areas is questionable is because they are not specifically referenced in the APA. Glenn said that's correct. Martha noted some odd language in the Act 250 Findings as well. Win said, for the long term, we need to establish the right to do whatever work is necessary.

Glenn said, as a practical matter, he's pretty sure no one is going to object to any activity in that area. Glenn suggested that the town contact each owner, explain that we need to establish title, and ask them to sign off. Jim agreed that the property owners could quit claim their interest. Glenn said he tried to get that done when the town purchased the system, but nobody would do it. There was discussion about specific sections of the sewer line that need repair and where they are located. Jim said where the line crosses an individual lot, between manhole #20 and manhole #21, there must be an easement reference. Glenn said he's sure there is reference to utility access in the protective covenants. Win asked Jason about the "short term needs." Jason said a lot of the short term needs involve replacing pipe, which is pretty intrusive. Glenn noted that a repair was made in the vicinity of manhole #21 a few years ago. Win asked if the lines can be sleeved rather than replaced. Jason said lining a pipe is less intrusive and less expensive but whether it can be done depends on the condition of the pipe. Win asked Jason to evaluate the feasibility of lining the pipes when he gets to the final design portion of the repair project. Jason agreed. Jason said there are portions of the system that still need to be investigated and the town can move forward with that, but we should have some additional information before we move forward with repair work on the upper loop. Jason suggested keeping the RFP for the remaining investigative work pretty simple. Martha requested a revised map of the lines that need to be investigated, including the lines in the hotel area. Win noted the old 4" lines in the hotel area that may or may not present an opportunity. Glenn described how one of the lines was turned into a service line for a property on Mountainside Drive, before the town acquired the system. Martha noted that the line does not appear to connect to the system where we thought it did. Glenn said we're fairly sure it's connected to the system but we're not sure where. Glenn said the line is part of the old sewage treatment system, and it's his understanding that the line is only being used for gray water. Jason said a 4" line is too big for an individual connection because the volumes being pumped are too small to get the appropriate scouring velocity, although it's less of a concern for gray water. Jason said the line could be re-used if you have a group of homes coming into one pump station with more volume. Jason said he suspects that the line enters the system near the hotel. Win said it's his understanding that there are actually two 4" lines, which may represent an opportunity for the Skyhawk area. Jason said the town would still need to construct a gravity collection system and a pump station. Jason suggested a dye test to see where the 4" line connects to the system. Jason said that line should be investigated with a scope or push camera. To see whether there's a second 4" line adjacent, Jason said, the town may have to excavate. Win said he thinks the town ought to investigate both lines. Jason agreed. Martha asked if it would make sense to connect a possible future Skyhawk line to the gravity system behind the Essex and Hanover buildings. Jason said without looking at it further, he's not sure we'd be able to get a gravity connection; we may still need a pump station. Jason said those details can be worked out in a preliminary engineering study. Dick noted an existing property on Skyhawk that is connected to the sewer line on Ski Tow Road. Martha said that's a small line and it would only work for that individual property. Dick noted that all of the Skyhawk properties are small lots and many have homes that are around 40 years old with on-site septic systems and sooner or later they're going to fail. Win said he thinks we should reach out to the Skyhawk property owners fairly soon to discuss the situation with them but, in the meantime, we should find out whether the old 4" lines could be used to provide them with sewer service at some point in the future. Regarding the work that needs to be done on the existing sewer system, Win asked

who pays for it. Win said he read something recently indicating that the town was going to require Mts. Edge to do some work before taking ownership of the lines serving their condo association, as a condition of acceptance, but apparently was not going to require that for the upper loop. Martha said the town did not accept the Hotel spur until they upgraded their pump station. Win said he realizes that but he'd like to avoid conflict among the various user groups. Jeff asked Glenn if he recalls whether easements were set up for the Mts. Edge property. Glenn said he thinks the Mts. Edge Board was going to schedule a meeting to figure out how to proceed but he doesn't recall how that was resolved. Jeff said he thinks the concept was that the main lines on Mts. Edge property and Ski Tow Road would be taken care of by the system and we've been saving money toward that end. Martha said she thinks there was some work needed on the service lines, from the buildings to the main sewer lines, that the condo owners were going to pay for, and they were also going to vote to convey the main lines to the town. Jeff said unfortunately he was not on the Board at that time. Win said at some point we'll need to clarify the title to the collection lines within Mts. Edge and find out how they feel about funding the repairs. Jeff said he recalls discussion at the Act 250 hearing about the system paying to line the main trunk lines in the upper loop, and from manhole to manhole on Mts. Edge property. Jeff said there was also discussion at the hearing about whether the town needs title to the pipe or just an easement. Glenn said it was the Town Attorney's preference that the town own the lines and the Mts. Edge Board was trying to figure out if they needed to have a vote of all 72 members, or if the Board could authorize the transfer. Glenn said he recalls that the town agreed to take care of any deficiencies in the pipes between the manholes, but the condo association agreed to take care of any deficiencies in the pipes from the buildings to the main lines. Jeff agreed with Glenn's recollection. Jeff said he anticipates that Mts. Edge will be cooperative with whatever is needed. Win said he thinks the town would like to resolve the ownership issues before doing any major repairs but if there's an emergency in the meantime then we'll have to address it. Win said Martha has an email from Connie May summarizing the situation and asked Martha to forward it to those present. Dick asked if the town should re-consider accepting the small lot that was offered to us recently. Jason said there could be a pump station on that lot but a more likely location would be in the vicinity of Mountainside Drive. Win asked if we have to have a town vote to accept property. Jim said no; it's easy to take property and hard to get rid of it. Win said he thinks we should do more exploration on the 4" lines before accepting the lot. Martha asked how much land is needed for a pump station. Jason said about 50' x 50'. Dick said he would hate to miss out on the opportunity to acquire a property that could prove useful to the town. Jason said an extension of the sewer to serve Skyhawk would probably require a pump station so it would also require an amendment to the agreement with Windsor because they would need to maintain it. Jason said he's also concerned about the "Dairy Lane" pump station (pump station #2) and how the state would feel about adding more flow. Jason noted that the state was concerned about adding flow from the village and required the addition of a generator at pump station #2 before they would approve that project. Jason said Windsor was not very happy because they had to install the generator at their expense. Jason suggested that the town figure out, early on, whether another expansion of the system would require additional upgrades to pump station #2. Martha said we have 130,000 gpd of allocation. Jason said there could still be impacts to the pump station in Windsor and West Windsor doesn't want to be on the hook for those upgrades. Martha noted that there is no storage at pump station #2. Jason agreed. Dick said if we add more users to the system, Windsor will

get more income to help them pay for any needed upgrades. Glenn said when the system was built, there was talk about metering the flow to Windsor. Jason said it is metered. Martha said she has flow data for the last four months. Win said Tom Marsh is on the Advisory Committee now so, when we start to talk about these things, he'll be involved. Win said to summarize: the town will go ahead and get the camera work done and figure out how to assess the condition of the 4" lines, and Jim will work on the title issues. Jason said if the town wants to finance the sewer rehabilitation work with a state loan, the next step would be to submit a planning loan application to address the immediate and short-term needs. Win said we do have some reserve funds so we could do some of the work with our own capital and some with debt, but we can't make those decisions until we have more cost information. Jason said if the town is going to use any CWSRF funds, we'll have to go through a Qualifications Based Selection (QBS) process. Jason said we'll have to issue an RFQ, solicit responses from consultants, and select a consultant. Jason said if there's any possibility of building an extension for Skyhawk next year, the town should submit a priority list application. Martha said she thought we could get a planning loan without being on the list. Jason said you can get a planning loan and if there's no chance of building anything for Skyhawk prior to 2020, then we don't have to worry about getting on the priority list. Win said he doesn't think we would build before 2020. Dick agreed but said he is worried that it's a ticking time bomb. Win said we should get on the agenda for the next POA meeting. Dick said he thinks they meet in May. Win thanked Jim and Jason for driving down.

- 5) Other Business – Fire Truck: Tom said the truck will be here after Town Meeting.
- 6) Sign Town Clerk's orders - None
- 7) Adjourn – **Win moved to adjourn at 10:30 PM. Dick seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison