

West Windsor Selectboard
Draft Minutes
February 27, 2017

Present: Dick Beatty, Tom Kenyon, Win Johnson, Martha Harrison, Glenn Seward, Elizabeth Burrows, Deb Shearer, Cathy Boedtker, Vicky Jones

- 1) Call to Order – Selectboard Chair Dick Beatty called the meeting to order at 10:00 AM.
- 2) Changes or additions to the agenda – Town Meeting preparation; Set date for meeting with Ascutney Outdoors (AO) to review their long-range plan – The Selectboard agreed to meet with AO on March 15th at 6:30 PM.
- 3) Announcements/Public Comment – Cathy said she appreciates the holiday lights but is wondering when they will be turned off. Dick said the town will have to inquire with the Beautification Committee.
- 4) Application for public assembly by Lucy MacKenzie Humane Society for their Cabin Fever dinner on March 11th from 5:00 PM until 9:30 PM at 4832 Route 44 – **Win moved to approve the application. Tom seconded the motion.** Dick suggested waiving the requirement that the application be submitted 30 days in advance of the event. There was no objection. Tom asked why Lucy Mac has to submit an application for this type of event when the church and the Historical Society do not. Win said the Event ordinance includes an exemption for events that take place on town, school, or church property. **Dick called for a vote on the motion, which passed unanimously.**
- 5) Application for public assembly by the July Fourth Committee for fireworks and festivities on July 3, 2017 from 5:00 PM until 11:00 PM in the vicinity of the town parking lot on Ski Tow Road – Cathy Boedtker said she has completed applications to the town and Ascutney Outdoors. Cathy said there will be food vendors but no alcohol vendors; there will also be no drones or gas grills allowed. The fireworks will be set off from Skyhawk Lane, which will be shut down from around noon until the event is over. Cathy said volunteers or the Sheriff's Department will enforce the road closure, and there will be a police presence at the Route 44-Ski Tow intersection. **Tom moved to approve the application. Win seconded the motion, which passed unanimously.** Cathy asked if the Selectboard will waive the application fee, as they have in past years. **Win moved to waive the fee. Tom seconded the motion, which passed unanimously.**
- 6) WWHS Old Home Day – Tom said he would like to table this item until the March 27 meeting. **Win moved to table the item. Tom seconded the motion, which passed unanimously.**
- 7) Discuss February 13 Selectboard resolution on school planning process – Win noted that he talked with Bill Yates and it's his understanding that the School Board is concerned that the resolution was directed to them when they have no power over the Act 46 process. Win said the resolution simply asked for an open discussion of the options that the Act 46 Committee is considering. Win noted that three of the four committee members are not elected. Dick said he invited Elizabeth Burrows to attend today's meeting since she is a member of both the School Board and the Act 46 Committee. Dick agreed with Win's proposal to address the resolution to the Act 46 Committee. Dick said it's his understanding that the committee will propose their recommended option and the town will vote it up or down. Win said he feels that the process is undemocratic. **Dick moved to address the resolution to the School**

Board and the Act 46 Committee. Win seconded the motion. Vicky Jones asked how the resolution came to be. Win said the Selectboard heard that the Act 46 Committee was not going to give further consideration to certain options and the Selectboard felt that there should be a broad-based debate on all the options. Vicky said all the Act 46 Committee meetings are open to the public. Vicky asked who wrote the resolution. Win said he drafted it because he doesn't think the process has successfully involved townspeople in a broad-based discussion yet. Vicky said if people show up they can learn a lot. Dick said he has attended several Act 46 Committee meetings. Dick reiterated the Selectboard's concern that all options be considered. Win said the Act 46 Committee meetings he has attended or watched are focused on the work of the committee and are not an organized presentation of the options to the public. Tom said it's his understanding that if the towns do not choose an acceptable option, then the state will decide. Glenn said they can decide. Vicky said good people are spending a lot of time looking at the options and she thinks we need to respect the process. Win said he doesn't think the Selectboard has done anything that is disrespectful of an open public discussion of the options. Win said he agrees that the meetings are open to the public but they are not designed to inform the public; they are designed for the committee to do its work.

- 8) Review lease with Ascutney Outdoors – Glenn provided a copy of the lease, along with questions and comments. Glenn asked if the Strategic Plan that AO submitted to the Selectboard is acceptable as a “five year plan.” Dick said he assumes the strategic plan and the Act 250 proposal will be discussed at the March 15th meeting. Dick said he thinks it covers everything contemplated in the lease agreement and doesn't see a need for a different type of plan. Win said he hasn't really looked at it yet. Glenn said AO would like to address the lease agreement requirements soon. Regarding the parking lot, Glenn said given that the 9.96 acres are not included in the lease, some of AO's tubing activities may encroach on that area. Win said he thinks any encroachments should be separately negotiated. Dick noted that the property below the ski bridge has multiple owners including the town, Orange Lake and Windsor Building. Dick said it's his understanding that the sale of the Base Lodge to Ascutney Outdoors included some rights over that property. Dick said if a portion of the parking lot parcel is in the tubing area, he doesn't have a problem with that. Glenn said AO will be surveying the area for the tubing park, which will clarify property lines, but AO does have an easement over the Windsor Building property. The remaining property affected belongs to Orange Lake and they're a partner in the project. Win said we need to think about setting precedent by allowing private facilities on town property. Glenn said AO would not be proposing any permanent structures on town property. Regarding #3 on page 2 of the lease agreement, Glenn said AO would be interested in the operating groomer, one of the three Ingersoll Rand turbine pumps, the Siemens electrical control for the pumps, and the Masonelian pneumatic control valve. Regarding the buried snowmaking pipes on the mountain, Glenn suggested leaving them in place as it would cost more to excavate and remove them than they're worth. Glenn said AO would like to retain the East Chair for the time being. Cathy noted some pipes sticking up out of the ground below the ski bridge that are a hazard for mowing. Glenn said those are bases for snow guns and will be removed when the tubing park is constructed. Dick asked Glenn if AO has any interest in the small building adjacent to the new pump station. Glenn said it could be used for storage. Regarding the materials and equipment on the maintenance parcel, Glenn said AO would like to retain one of the three piston bullies and the 8'x 8' structure. Win asked if the propane tank is reusable. Glenn said he thinks it is, and Dead River could refurbish it. Dick asked if the town has any use for a propane tank. Martha said if we get a propane generator for the well pump, we might be able to use it there. Dick said we'd have to talk about it with Orange Lake. Win

suggested removing the remaining structures on the mountain. Glenn agreed, with the exception of the mid-mountain pump building, and suggested discussing it with the Conservation Commission and the Upper Valley Land Trust. Glenn said the timing hut should remain. Glenn said he is planning to talk with Casella about getting rid of some of the items that no one has any use for. Tom asked about the sugar house. Glenn suggested burning it since there's no painted material in it. Regarding #6 on page 2 and 3 of the lease agreement, Glenn said AO can't be responsible for transporting utility personnel and asked if the town will be building a road to the reservoir through the base lodge property. Win said, when it was originally discussed, AO didn't want a road up there. Glenn expressed a preference for a road, as long as there's someplace for the skiers to cross over it. Win said the town would need a right-of-way over the base lodge parcel. Glenn said he thinks the town already has a ROW but, if not, they could get one. Dick said there's an easement for the water infrastructure on AO's property. Win said the question is whether the town has a surface right-of-way. Glenn said if the town has an interest in building a permanent road, AO would like to incorporate that in their site plans. Win suggested investigating the need for a permanent road as part of the long range plan that A+E is proposing. Glenn said AO would like to know within a few weeks the location of the road where it crosses AO's property so they can include it in their Act 250 application. Win said he'd like to have Jason and Patricia look at it. Tom said AO will need access to the back side of the building for fire protection. Glenn agreed and said they will also need to provide handicapped access to the upper level. Glenn suggested looking at the road in its present location to see if it can work. Win asked if Dennis has to access Reservoirs 2 & 3 on a regular basis. Martha said the chlorinator is at Reservoir 1. Regarding #7 on page 3 of the lease agreement, Glenn suggested adding that the town will maintain, plow and sand the road and turnaround area to the old lodge site, along with the access road and parking area behind the former maintenance garage. Dick noted that the maintenance parcel is subject to a telecommunications easement so we need to work around that. Win said if AO moves or removes the warming hut, the town may not need to maintain the road past the maintenance garage. Glenn agreed. Dick suggested adding some conditional language to the lease. Regarding #13 on page 4 of the lease agreement, Glenn would like to eliminate the requirement for quarterly financial statements. Regarding #14, Glenn asked if AO's current insurance coverage is adequate. Win said the town will have to consult with VLCT on that. Win asked Martha to send him a copy of AO's bylaws. Win suggested changing #18 to indicate that AO will comply with the Town's event ordinance, rather than be exempt from it. Win suggested that he and Glenn come up with a revised lease agreement and put it on the agenda for March 15th.

- 9) Sale and/or salvage of surplus material and equipment from maintenance parcel – Glenn asked the Selectboard if they'd like AO to market the equipment and materials. Win said if AO doesn't do it, the town will have to hire someone. Glenn asked if AO would get a percentage of the proceeds in exchange. Win asked how much time and effort it's going to take. Glenn said we'll have to see how it evolves. Win said he would support having AO take the initiative to deal with the surplus. Glenn said there's a bunch of debris on the maintenance parcel that should be removed and suggested getting a dumpster.
- 10) Re-visit discussion of Selectboard resolution on school planning process – School Board Chair Elizabeth Burrows was not present earlier in the meeting when this item was discussed so the Selectboard invited her to address the issue. Elizabeth provided minutes from past School Board meetings, notices posted on Front Porch Forum, and copies of Act 46 updates she has provided to interested parties. Elizabeth said the School Board and the Act 46 Committee have held two town forums and conducted two surveys, which no other town in our supervisory union has done. Elizabeth said instead of passing a resolution asking the

School Board and the Act 46 Committee to do what they're already doing, it would be helpful to pass a resolution encouraging townspeople to take part in the process. Elizabeth said the 2x2 option will be discussed at the next Act 46 meeting on March 15th from 6:00 to 8:00 PM and the 3x1 option may be discussed as well. The meeting location has not been determined yet. At town meeting, there will be a brochure available with the dates for public forums in each town. After that, there will be a four-town forum. Win suggested that the town, the school and the Act 46 Committee work together to make residents aware of the issues and options, and to encourage them to attend the forums. Martha said it would be helpful to know what the options are and the pros and cons of each one. Elizabeth said the brochure will include information about the options and the Act 46 Committee will make a presentation at Town Meeting. Glenn agreed with Win that a town-wide mailing is the only way to reach everyone. The Selectboard agreed to contribute to the cost of a town-wide mailing. Elizabeth said it would be good to get a mailing out as soon as possible after the March 15th Act 46 Committee meeting. Win suggested that the Act 46 Committee come to a Selectboard meeting to talk about a communications plan.

- 11) Excavation & grading on town-owned mountain parcel – Glenn said AO is waiting for a response from the Upper Valley Land Trust. Glenn added that Preston Bristow has indicated that a DRB hearing will be required because the grade exceeds the percentage specified in the zoning regulations. Glenn said Martha is going to check with Jackie Carr to see if an Act 250 application is required. **Win moved to support the zoning application, the Act 250 application if required, and the proposal to the Upper Valley Land Trust. Tom seconded the motion, which passed unanimously.**
- 12) Highway Foreman's Report – None. The Foreman/Fire Chief was involved with a structure fire investigation.
- 13) Sign Certificate of Compliance: Highway Road & Bridge Standards – **Win moved to sign the Certificate of Compliance. Tom seconded the motion, which passed unanimously.**
- 14) Water project update – Tom said the contractor will be back in the spring for clean-up. Win said the Selectboard has approved the application for a loan for mapping, a hydraulic study and a long range plan, but now there's a grant available for an asset management plan. Win asked if we're going to fund part of the project with a loan and part with a grant. Martha said it looks like we can do that. Martha said there are different due dates for different portions of the project but she thinks that can be worked out.
- 15) Village sewer update – Tom asked if the General Store still has to pay for 3 EUs now that they're closed. Dick said he doesn't think the town should reduce the number of EUs without more information. Win asked if the Governor has cut the funding for prior projects. Martha said the Governor allocated \$35,000 toward prior projects in six towns, including our village sewer project; \$2.9 million is needed to fully fund the projects. Martha said she has contacted West Windsor's state representatives, Paul Belaski and John Bartholomew. Martha said according to Eric Blatt from the Facilities Engineering Division, there may be other funding available that can be re-directed towards our project. Win asked if we were relying on the state to come through with this funding. Martha said our project was found "eligible" for pollution abatement funding but every year the legislature has to vote on the amounts awarded. Win asked if there's anyone else we can contact. Martha said Alice Emmons is the Chair of the committee that's considering the capital budget at this point. Win suggested sending Martha's letter to others involved in the grant funding decision, including the Governor. Glenn said he would encourage knocking on doors in Montpelier. Win said he'd be happy to drive up to Montpelier if he knows who to see. Glenn suggested getting Tom Kennedy involved too.

- 16) Consider appointing alternate representative to the EC Fiber Governing Board – **Win moved to appoint Ken Parrot as West Windsor’s representative to the EC Fiber Governing Board, and Robert Joyal as the alternate representative. Tom seconded the motion, which passed unanimously. Win moved to authorize the Chair to sign the resolution to appoint the representatives. Tom seconded the motion, which passed unanimously.**
- 17) Town Clerk’s orders – **Win moved to sign orders. Dick seconded the motion, which passed unanimously.**
- 18) Town Clerk/Treasurer’s report – None
- 19) Approve Minutes – February 13: **Win moved to approve the minutes. Dick seconded the motion, which passed unanimously.**
- 20) Other Business – Town Meeting preparation: Win agreed to speak to Article 5 and 6. Dick said Tom should speak to Article 7 as a member of the Historical Society, and Mike should speak to Article 8. Water Ordinance: Win said he likes how the Town of Hinesburg handled easements and rights-of-way in their water ordinance and would like West Windsor to consider similar language. Win said the first half of the ordinance is almost ready to be reviewed by an attorney. Martha recommended Jim Barlow, who used to work for VLCT but has his own practice now and specializes in municipal law. Dick agreed that we should get legal advice on the ordinance. Win suggested retaining Jim Barlow at the next Selectboard meeting. Dick noted that the purchase and sales agreement for the water system addresses easements and rights-of-way and should be provided to the attorney.
- 21) Review and discuss draft Facility Use Policy – Dick said he thinks the policy should include a prohibition on the use of alcohol in conjunction with overnight camping. Win asked Dick to provide some wording to address that.
- 22) Adjourn – **The Selectboard adjourned by consensus at 12:15 PM.**

Respectfully submitted,

Martha Harrison