

WEST WINDSOR SELECTBOARD

Draft Minutes
February 3, 2014

Present: Glenn Seward, Tom Kenyon, Bruce Boedtker, Al Keiller, Martha Harrison

- 1) Call to Order – Selectboard Chair Glenn Seward called the meeting to order at 8:00 AM.
- 2) Public Comment – None
- 3) Sewer purchase closing update – Glenn noted that the closing, which was originally scheduled for February 6th, has to be rescheduled. Bruce and Tom were both okay with February 12th at 2:00 PM or February 14th at 10:00 AM. Glenn added that the Town Attorney has found a few things in the closing documents that need to be changed.
- 4) Discuss and consider sewer receivables disbursement agreement – Glenn noted receipt of a draft letter from MFW Associates concerning the disposition of the accounts receivable for the sewer system. Glenn said the town is going to proceed with tax sales on all West Windsor properties with substantial overdue sewer fees immediately after closing on the sewer system, and the receivables for Windsor properties will go to the town of Windsor. Glenn explained that the Asset Purchase Agreement (APA) signed last spring included a convoluted method for disbursing receivables so the letter from MFW Associates is an attempt to clarify that collected receivables will be split 50/50 between the town and MFW. Glenn said he would like to change the language in the letter that prioritizes MFW's share of the receivables and to specify, instead, that receivables be shared equally as they come in. Glenn said he would also like to modify the clause that implies that every property associated with a receivable will be put up for tax sale. Glenn said he doesn't think that's a reasonable course of action for small amounts. Bruce said the degree of tardiness should also be a factor. Tom asked who pays the legal costs associated with a tax sale. Glenn said, by statute, the party whose property is being put up for sale pays all the legal costs. Glenn said he has a letter prepared to send to the delinquent sewer users but it references the February 6th closing date so he will revise it once the closing is rescheduled and then send it out. Tom asked who a delinquent sewer user should contact to make arrangements to pay. Glenn said the letter specifies that delinquent users should contact the Town Treasurer or they will be hearing from the Delinquent Tax Collector. Al asked about the number of delinquent users and the size of the average outstanding bill. Glenn said 10 of the delinquent users are responsible for about \$50,000 of the \$80,000+ that is still outstanding. Al asked about the 50/50 receivables split. Glenn said the town needs a certain amount of money to operate the system and the 50/50 split allows for that. Tom asked if there are existing liens on the delinquent properties. Glenn said no, but there will be immediately after closing. Glenn said, in accordance with the APA, the town has been taking its collection expenses out of the receivables as they are paid. **Bruce moved to authorize Glenn to convey, on behalf of the Selectboard, that they would like the letter modified to reflect equal priority in the disbursement of receivables and to clarify that the tax sale procedure will only be used for substantial past due amounts. Tom seconded the motion, which passed unanimously.**

- 5) Consider adopting sewer ordinance – Glenn said he sent out the latest version of the sewer ordinance on Friday and requested comments from interested parties by 8:00 this morning. Noting that he has received no comments, **Glenn moved to adopt the latest version of the sewer ordinance and start the public proceedings for final acceptance. Bruce seconded the motion.** Tom said he thinks the ordinance should refer to the definitions at the top of the first page. Regarding Section 6.02, Tom said he doesn't think the owner should be digging in the town right-of-way. Tom said he thinks the property owners should be responsible for costs associated with work on their property and the town should be responsible for work in the town or state right-of-way. Glenn said he is comfortable with the language the way it is because any work would have to be approved and supervised by the town. Bruce agreed with Glenn. Tom asked what would happen if a property owner needed an easement across another property owner's land in order to connect. Glenn said if you can't get from Point A to Point B with a route that makes sense from an engineering point-of-view, then maybe you can't require a connection in that case. Glenn said he doesn't think the ordinance can cover every hypothetical scenario. There was discussion about whether the ordinance requires connection for properties that are within 200' of the sewer line or for structures that are within 200' of the sewer line. Glenn noted that an earlier draft of the ordinance had an exception to the connection requirement for cases of "extreme hardship," but since it's hard to define, it was taken out. Al suggested consulting with Aldrich & Elliott about how other municipalities have handled similar situations. Glenn noted that Section 4.02 of the sewer ordinance requires connection for buildings that are within 200' of the sewer line. Bruce suggested approving the ordinance "as is" with the understanding that it can be amended in the future if necessary. **Tom amended Glenn's motion to include reference to the definitions and abbreviations at the top of the first page of the sewer ordinance. Glenn accepted Tom's amendment. The motion, as amended, passed unanimously.** Martha said the ordinance has to be posted around town and a summary has to be published in the newspaper. It will become effective in 60 days unless 5% of the voters petition to have it disapproved with 44 days.
- 6) Other Business – House Resolution: Glenn said the House subcommittee that is reviewing our proposed resolution for pollution abatement funding to help construct a sewer system in the village has asked him to testify on February 6th at 8:30 AM. **Bruce moved to authorize Glenn to testify on behalf of the Selectboard at the House subcommittee meeting. Tom seconded the motion, which passed unanimously.**
- 7) Town Clerk's orders – **Glenn moved to sign orders. Bruce seconded the motion, which passed unanimously.**
- 8) Adjourn – **Tom moved to adjourn at 8:30 AM. Bruce seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison