

WEST WINDSOR SELECTBOARD

Draft Minutes
February 6, 2012

Present: Glenn Seward, Tom Kenyon, John Bartholomew

- 1) Call to Order – Selectboard Chair Glenn Seward called the meeting to order at 10:00 AM.
- 2) Meet with state officials re: sewer line purchase – Glenn gave John a copy of the information sheet on the sewer line acquisition proposal and summarized the problems at the resort. Glenn also outlined the wastewater issues facing the village of Brownsville and noted that, due to these issues, there can be no development in the village. Sewer rates and treatment charges were discussed, including past due charges. Glenn noted Windsor's interest in eventually acquiring a portion of the line from West Windsor, if West Windsor purchases it. John asked about the past due charges. Glenn said Windsor has a lien on the sewer line so, legally, that money will have to be paid in order for West Windsor to get clear title. Tom said the escrow account overseen by the Windsor-Ascutney Sewage Treatment Enterprise (WASTE) would also have to be made whole. Glenn said he has had preliminary discussions with Snowdance but can't proceed too far without authorization from the voters. Glenn said the town has done some initial due diligence in hiring Aldrich & Elliott to evaluate the system. Glenn said he has heard that West Windsor is very high on the priority list for a low-interest loan through the Clean Water State Revolving Fund. Glenn added that he is scheduled to talk with Deb Markowitz next week. John asked if the Property Owners Association (POA) is on board with the town's plans. Glenn said the Selectboard met with the POA a week ago and they have some issues with the plans. Glenn said Orange Lake and Mountain's Edge Condominium Association are very supportive and it appears that Mountainside Condominium Association will be supportive as well. Glenn said some members of the POA don't understand why the town is getting involved. Glenn said many members of the POA are users of the system who have been saddled with fees and are willing to go to extensive legal means to fight it. Glenn said the Selectboard feels that it is not in the town's best interest to have the POA in a prolonged legal battle with the owners of the system because that will ensure that the ski area remains closed for an extended period of time. John said it's not in the POA's best interest to do that either. Glenn said the POA maintains that they are owed \$300,000 and if the town takes over the sewer line, they have no means of redress. John said it sounds like they are hoping to take the line without paying for it. Glenn said the current owner will fight that effort and while that is going on, there are pollution issues in the village, a shuttered ski area, and falling property values. John said, "Then you're paying for lawyers instead of buying the sewer system." John asked why the sewer line is in private hands. Glenn and Tom briefly outlined the history of the sewer system. So the question, John said, is what the system is worth and what the owner is willing to take for it. Glenn said yes. Tom said the POA had a committee that was supposed to monitor the sewer charges and it's his understanding that the committee had not met for 10 years; as long as the rates were low and the system was working, they didn't care. Tom said the new owner/manager of Snowdance has determined that the system needs work so they've upped the rates, which they have a legal right to do. John said he has heard from the POA that the increases are not justified. Tom said money was supposed to be set aside for the upkeep of the system and, to the best of his knowledge, that didn't happen. John asked if the various condo associations are separate entities or if they all fall under the POA. Glenn said they all fall under the POA. John asked if most of the property owners are not permanent residents. Glenn agreed that most are not full-time residents, which is of concern to the town as it relates to ownership of the line. John said the town's proposal makes sense to him. John said he heard from one of the property owners who feels that a Fire District would solve the problem but who didn't seem to understand that a Fire District requires legislative approval. Glenn said the only people who could vote on fire district issues would be the registered voters within the fire district boundaries, which would be 25 to 30 of the nearly 300 system users. Glenn said the Selectboard feels that the representation is not acceptable. If the system is expanded into the village and representation is broadened, the Selectboard would entertain the notion of a fire district. Glenn said some of the registered voters in the proposed fire district are renters and, since they do not even own the property, it does not seem reasonable for them to represent the fire district. Tom said the 30 registered

voters in the fire district could levy taxes against the non-resident property owners and they would have no say. Glenn said those 30 voters could also change the bylaws and refuse to allow the village to connect to the sewer line. Tom said, alternatively, they could charge the town \$1 million to connect to the line. John said a fire district has to be formed when the legislature is in session. Glenn said in a perfect world, a fire district would be the way to handle the situation if a majority of the property owners were registered voters. Tom said he thinks the Grand List is going to take a nose dive after the reappraisal. Tom noted the loss of jobs and the loss of state tax revenue from sales, rooms, meals, property and income. Glenn said the occupancy rate during spring, summer and fall is 60 – 80% and during the winter, with the ski area closed, it's less than 20%. John asked if the Governor has been briefed. Glenn said he sent him the same letter that went to John. Glenn said he did receive a note from the Lieutenant Governor. Glenn said the first step in solving these issues is for the town to purchase the sewer line and we need money to do that. Glenn said it is his understanding that \$20 million dollars was given to the state by the federal government for community development grants. Glenn said any funding the town could get to help buy the line would help address the pollution issues and would help the property owners. John asked if the town is thinking about grants as opposed to loans. Glenn said the town would prefer grants but would accept whatever they can get. Glenn said the interest rates through the VT Bond Bank are 4% and the interest rates through the Clean Water State Revolving Fund are 2%. Glenn said lower interest rates and grants would result in lower fees to the users of the system. John asked how he can help. Glenn asked John if he could stay abreast of the situation with the Agency of Natural Resources and the Clean Water State Revolving Fund. John asked if the town's application has been submitted. Glenn said yes. Glenn said he thinks John could help most by investigating how the town could get a community development grant. Tom said he thinks the payback would be almost immediate because if the ski area gets sold, they'll start fixing it up. John said it's probably the biggest issue facing the town. Glenn agreed. Tom said it affects the whole area and the state. John suggested a meeting with the Governor. Glenn said he's happy to meet anytime, anywhere. Glenn said with property values dropping, no jobs, businesses struggling, and pollution issues, if we don't stem this now, we don't have a bright future. John asked Glenn if he knows who administers the federal community development grants. Glenn said he doesn't know; he heard about it through Tom Kennedy at the regional planning commission. John said he will talk to Deb Markowitz, Dick McCormack and Alice Nitka, and will try to set up a meeting with the Governor. John said he will contact Donna Sweaney as well. Glenn agreed that Windsor needs to be involved. Glenn added that he has had positive conversations with Tom Marsh.

Redistricting: John said it is his understanding that the Boards of Civil Authority in both towns have approved the redistricting plan and it has passed the House. John said he thinks having two representatives will help both towns.

- 3) Adjourn – **Tom moved to adjourn at 10:50 AM. Glenn seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison