

WEST WINDSOR SELECTBOARD

Draft Minutes
February 6, 2013

Present: Glenn Seward, Tom Kenyon, July 4th Committee Co-chair Cathy Boedtger, Town Forest Committee Chair Rudy Gross, A&E Engineers Joe Duncan & Kevin Camara, Orange Lake's Ralph Bailey (by speaker phone), Martha Harrison

- 1) Call to Order – Selectboard Chair Glenn Seward called the meeting to order at 9:15 AM.
- 2) Public Comment – Cathy Boedtger, West Windsor's representative on the CT River Byway Project, said that 100 sites in Vermont have been chosen for promotion including the Cady Mausoleum and the Sheddsville Cemetery. Cathy had concerns about access and parking for the mausoleum. The Selectboard agreed to discuss the issue.
- 3) Fourth of July Committee – Cathy said the committee would like to put a thermometer showing their fundraising progress on the website and they would also like to find somewhere to place their 2 ½' x 6 ½' wooden thermometer sign. Glenn said he is concerned about placing the sign on the corner of Route 44 and Brownsville-Hartland Road; he thinks it would have to be set back. Possible locations for the sign were discussed. Cathy said the committee would also like to have a vinyl sign across Route 44 for two weeks prior to the event but they will have to check with the state. Cathy asked if the Selectboard thinks there should be police coverage for the fireworks on July 3rd. Glenn and Tom said yes. Tom suggested including antique cars in our July Fourth parade. Tom also noted the 40th anniversary of the Historical Society as a possible theme.
- 4) Recreational trails discussion - Glenn said he has talked with Jim Lyall and Erik Schutz about trail promotion. Glenn suggested allowing STAB (Sports Trails of Ascutney Basin) to take the lead on marketing this year since they have hired a marketing consultant and time is of the essence. Glenn said he thinks we are most likely to have marketing success with the mountain bike community and should streamline the process for getting the word out. Glenn said STAB could report to the Selectboard, and the Selectboard could keep the Town Forest Committee updated. Cathy said she has heard talk about a name change. Glenn said the consultant has advised STAB to simplify the name of the trail system and they are considering "Ascutney Trails." There was discussion about the proposed name. Glenn said the connector trail from the state park has been approved. There was discussion about the connector trail. Cathy said, for Act 250, we'll have to note where "our" trail stops and the connector trail starts. Cathy added that a long-term goal would be to have a trail all the way around the mountain. Tom said he is okay with the concept of allowing STAB to take the lead on marketing. Glenn said he spoke with Lawrence Miller, the Secretary of Commerce and Community Affairs, about the village sewer system and the resort foreclosure. According to Glenn, Mr. Miller advised the town to promote our recreational trail system and to contact Megan Smith at the VT Department of Tourism for assistance. Tom asked if the Agency of Commerce and Community Affairs can help get the connector trail built. Glenn said he thinks so. Glenn asked Cathy to contact Megan Smith. Glenn said he thinks the town should request signs from the Agency of Transportation directing people to the trail system.
- 5) Hotel Road discussion – Glenn said he got a call from Orange Lake's Michael Thompson regarding the town taking over Hotel Road. Tom noted that part of the bank is missing; Tropical Storm Irene created a hole near the smaller culvert, which may need to be replaced. The Selectboard agreed that they would consider taking over the road.
- 6) Discuss Coaching Lane (Town Forest section) – The Selectboard talked about where Coaching Lane should end and agreed that they want it to stop at the point where it enters the Town Forest. Rudy said it is his understanding that the town is not going to put a parking area on the Giles lot, which was recently donated to the town. Glenn said he doesn't think there can be a parking lot there because of the wetlands. Tom said the plan was to use it as a turnaround for town trucks. Glenn said we may run

into some issues when we pursue that. Tom asked if the town is always going to plow up to the parking lot. Glenn said that was the intent - to provide parking for winter recreational use – but there is no obligation to plow it.

- 7) Discuss draft Sewer Ordinance – Tom asked which ordinance governs the sewer system in Windsor. Joe said Windsor’s ordinance would cover Windsor’s portion of the system. Glenn noted that Windsor has indicated their intention to accept their portion of the system immediately upon West Windsor’s acquisition of the system. Glenn said Joe has drafted a Memorandum of Understanding (MOU) that covers the issues with Windsor including the timing of them taking over their portion of the system. Glenn told Ralph that he will send him a copy of the draft MOU. Ralph said he thinks it is important to determine where town ownership of the sewer system ends and private ownership begins. Glenn agreed. Joe said municipalities generally own all sewer lines, mains and services that are in the right-of-way to the edge of the property. If the system is on private property, the municipality typically has a 20’ wide easement across that property (10’ on either side of the center line of the pipe) so they can access the system for maintenance. There was agreement that a map should be included in the closing documents showing the system, the easements and rights-of-way, and where the town’s ownership and responsibility end. Joe asked if the roads at the resort are public or private. Glenn said it’s a combination. Ralph said Orange Lake is also concerned about the makeup of the advisory committee, and thinks the committee should just review and comment. Ralph said he doesn’t think the committee should prepare the budget and rates. Glenn said the decision making authority would reside with the Selectboard. There was discussion about the structure of the committee. Kevin suggested that the “at large” committee member should be appointed by the Selectboard, not elected by the other committee members. Ralph and Glenn agreed. Kevin said some communities designate a superintendent. Joe said there is a level of committee member involvement that will be necessary for the committee to function properly. Glenn said he suggested this structure because, historically, the users have had no say over the operation of the system. Glenn said the proposed structure has the committee doing all the work and presenting their recommendations to the Selectboard for review and approval. Ralph asked what would happen if the committee could not come to consensus. Glenn said the committee would bring the issue to the Selectboard and let the Selectboard resolve it. Glenn said West Windsor is a small town with a 3-member volunteer Selectboard and doesn’t have the resources to deal with this; the advisory committee has to do the work. There was discussion about whether there should be an independent superintendent or whether the chair of the committee should act as liaison to the Selectboard. It was agreed that the committee chair should be the liaison. Glenn questioned whether the “at large” member should have to be a user of the system. Glenn and Tom agreed that the “at large” member should just be a full-time resident of West Windsor, appointed by the Selectboard. Glenn said the Property Owners Association (POA) would like the role of the advisory committee to be included in the Act 250 permit amendment. Glenn said he has no problem with that. Tom and Ralph agreed. Kevin said another concern was the use of sewer funds for expansion. Glenn said, in his view, there should be no use of sewer funds for expansion. It was agreed to strike all references to “sinking funds,” which are typically used for expansion. Regarding the amount to set aside for capital reserves, Kevin said towns typically specify “a maximum of 15%.” Glenn said, historically, users have contributed 5% for capital reserves but he is comfortable specifying a 15% maximum. Tom asked if the Selectboard could move a surplus into the capital reserve fund. Joe said he thinks there is language allowing that in the ordinance. Tom expressed concern about a budget with no amount set aside for capital reserves. Glenn said the Selectboard can always reject the budget. Martha asked if the ordinance can specify a minimum that has to go into capital reserves. Glenn and Tom agreed to require the budget to include a minimum of 5% for capital reserves. Glenn said the POA wants the user fees to be based on actual costs. Kevin said user fees are usually based on the budget and then the budget is adjusted the following year based on actual costs. Kevin said there is also language specifying that the sewer budget is separate from the general fund. Tom asked about deficit spending for repairs. Joe said the town would have to take out a loan. Glenn said he thinks it’s unlikely that there wouldn’t be any money in the capital

reserve fund. Glenn asked what a “sewer base fee” is. Kevin said that is the annual equivalent user charge for a single family home. There was discussion about whether to require everyone within 200 feet of the sewer line to connect and who would pay for the 200 feet of pipe. Tom and Glenn agreed to require connection under the following conditions: change of use, change of ownership, system failure or system expansion. Kevin said some communities include the 200 feet in the project cost as long as the town has an easement. Glenn and Tom agreed with that. Kevin said “system expansion” means a bond vote approved expansion, not a private expansion. Joe added that, even with a private expansion, connection could be required for change of use, change of ownership or system failure. It was agreed to add “per state requirements” to Section 4.03. Joe and Kevin asked if anyone currently has any reserved capacity. Glenn questioned whether Snowdance has any reserved capacity under their earlier agreement with Windsor. Joe said any allocation or reserved capacity would go to West Windsor upon transfer of the system. Kevin said existing connected flows cannot be taken away. Ralph said he is not aware of any additional allocation for future development by Orange Lake. Glenn asked if the purchase and sales agreement should specify that all allocations are null and void. Joe said yes. Glenn said part of the deal is that the current owner of the system retains 100 hookups at no charge. Glenn said “hookup” needs to be defined. There was discussion about the process of applying for sewer allocation. Tom and Glenn agreed that sewer allocations and zoning permits should have the same expiration and renewal periods. It was noted that sewer allocations are not transferable. After discussion, the Selectboard agreed that sewer allocations cannot be renewed for more than three years. Glenn asked about the 1350 gallon threshold on page 13. Kevin said the EPR (Environmental Protection Rules) rules allow anything under that threshold to be done by a licensed designer. There were additional minor changes to Section 6.02 and Section 8.01. Glenn suggested striking the sentence that allows money to be deposited into other accounts including the general fund. Tom said years ago the town voted that all funds received have to go through the general fund. Joe said he thinks that sentence can be taken out. Glenn and Tom agreed. Tom asked if anything would prevent the town from borrowing from the sewer reserve fund as long as the fund is made whole at the end of the year. Joe said he thinks the funds could be loaned, with interest charged, as long as the loan is documented. Glenn said he thinks that should be left out of the ordinance. Glenn said the POA feels there should be no discount for vacant properties. It was agreed that the existing language is fine. Glenn said the POA wants to be sure that the debt service for an expansion would be covered by all property owners in town. Joe said he doesn’t think that can go in the ordinance; they will have to trust the Selectboard not to put that burden on them. Tom noted that sewer fees for the school, library and town hall will be paid for out of the budgets for those buildings and, therefore, the taxpayers will be paying some sewer fees, indirectly. The Selectboard revised Section 8.04, eliminating the second sentence of #1, and qualifying #2 to specify that it must be in the financial best interest of the system. In Article 9, the Selectboard agreed to remove the term “sinking fund” and delete references to expansion. After discussing Section 10.02 (B), the Selectboard agreed to insert the phrase “for due cause” in the first sentence and “within 7 days” in the second sentence. The Selectboard agreed to remove Section 10.05. Tom asked if property owners are required to notify the town of any work in the town’s easement. Kevin said there is language prohibiting building over the top of the sewer line or in the easement. Martha said, for zoning purposes, she’ll have to know where the sewer lines and easements are located. Glenn agreed. Martha asked if there is anything above-ground indicating where the pipes are. Joe said there are manholes for the main line but, other than that, no. Tom said the zoning application should ask the applicant to indicate the location of their project relative to the sewer lines. Tom suggested adding language making the property owner responsible for notifying the town of any conditions that would affect the reasonable use of the easement. Glenn agreed. Joe said they will insert language prohibiting the planting of trees, the building of permanent structures, etc. within the easement. Kevin suggested adding the language suggested by the POA in note #8. Glenn agreed. Glenn also agreed to notify the POA that the Selectboard has discussed and addressed their concerns. Kevin noted the other documents included in the packet of information provided by A&E. The Selectboard agreed that sewer allocation applications and permits should be filed in the zoning

office. Kevin noted that the construction standards and schedule of rates and fees are separate documents so they can be updated without amending the ordinance. Joe noted that the draft MOU with Windsor is also included for the Selectboard to review. Glenn said the Selectboard could establish a date to begin the ordinance approval process at their meeting on February 11th. Joe suggested discussing the process with the Town Attorney. Joe said A&E can have an “in house” final draft, including the easement exhibit, prior to Town Meeting. Glenn said the purchase and sales agreement should be signed shortly and the bond bank has approved the town’s application, so it’s up to the courts to allow the sale to happen. There was discussion about the rates charged by Windsor. Joe said he will have the Act 250 permit amendment application by next Thursday. Glenn asked if we need to amend the existing loan agreement. Joe said yes.

- 8) Town Clerk’s orders – **Tom moved to sign the Town Clerk’s orders. Glenn seconded the motion, which passed unanimously.**
- 9) Village sewer – Glenn asked about the recommended route for the village sewer system. Joe said it would cost \$400,000 more to cross the river with no guarantee of getting a permit to build in the floodplain. The options and the construction process were discussed.
- 10) Adjourn – **Tom moved to adjourn at 12:37 PM. Glenn seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison