

## WEST WINDSOR SELECTBOARD

Draft Minutes

January 13, 2014

Present: Glenn Seward, Tom Kenyon, Bruce Boedtger, Aaron Gonthier (Windsor on Air), George Calver (Vermont Standard), Rudy Gross (Town Forest Committee Chair), Deb Shearer, Jim Lyall, Mike Spackman, Cathy Archibald, Martha Harrison

- 1) Call to Order – Selectboard Chair Glenn Seward called the meeting to order at 6:30 PM.
- 2) Changes or additions to the agenda – Tom announced that the Windsor Selectboard is going to discuss Brook Road tomorrow night. Glenn said the Selectboard received an application for public assembly for the Five & Dime race but suggested tabling consideration of the application pending receipt of additional information. Bruce and Tom agreed.
- 3) Sign Town Clerk's orders – Glenn suggested postponing this item and item #4 until later in the meeting. Bruce and Tom agreed.
- 4) Town Clerk/Treasurer's Report – See item #3
- 5) Public Comment - None
- 6) Discussion with School Board – Glenn said the School Board had requested a meeting with the Selectboard to discuss the school budget, which they passed at their meeting on January 8<sup>th</sup>. Glenn said there has also been discussion about separating the school meeting and the town meeting on Town Meeting day but the School Board doesn't feel they have enough time to prepare for a separate meeting.
- 7) Consider 2014 Town Meeting warning – The Selectboard agreed to postpone this item until later in the meeting.
- 8) Highway Foreman's report – Bowers Bridge: Mike asked about the status of Bowers Covered Bridge and said it looks like the downstream side is done. Tom asked if they found additional damage. Glenn said there was no indication of that last time he spoke with the contractor. Water Quality meeting: Mike said he, Tom and Bruce attended the meeting in Ascutney. Glenn said the meeting was about the state's proposal to require towns to have a stormwater runoff plan. Mike said the state is trying to combine the requirement with the road and bridge standards but he thinks it should be a separate document. Tom said he is concerned about where the money is going to come from to comply with this new requirement. Sand pile: Mike said someone has been stealing from the sand pile and the weather has required the highway department to use a lot of sand. Certification of Compliance with Road & Bridge standards: **Glenn moved to sign the certification of compliance with town road and bridge standards. Bruce seconded the motion, which passed unanimously.** Mike wondered whether other towns have adopted the standards. Glenn said the financial incentives should be an impetus for towns to adopt. Martha said adopting the standards is one of the four criteria for disaster reimbursement at a higher percentage rate. Glenn asked Martha where we stand with the four criteria. Martha said West Windsor is in compliance although we'll need to re-adopt our Emergency Operations Plan, which we do every year.
- 9) Highway access application (agricultural): Brown (Bryant Road) – Mike said he has no issue with the proposed location, assuming they're not going to use the old access. **Tom moved to grant initial approval for the agricultural access to the Brown property on Bryant Road. Glenn seconded the motion.** Bruce asked if there's only going to be one access off Bryant Road. Glenn suggested that Martha specify that the old access off Bryant Road is not to be used. Mike said there is another access off Silver Hill. **Glenn called for a vote on the motion, which passed unanimously.** Coaching Lane Extension: Mike asked for a status update. Glenn said there has been no change in the status; the town is expecting to accept the right-of-way from the owners of

the resort but the transfer has not happened yet. Rudy Gross noted that there had been a problem with water flowing over the road at the Ewald property but Mike took care of it. Rudy asked if the resulting damage could be repaired. Mike said yes, but not until spring. Sand & gravel bids: Mike said he needs to talk with Martha about the sand and gravel bids.

- 10) Resort sewer purchase update – Glenn said he attended a Windsor Selectboard meeting last week to finalize an agreement and to request the waiver of interest and penalties. Glenn said the Windsor Selectboard will be considering the agreement and waiver request at tomorrow night’s meeting. Glenn said it has been the West Windsor Selectboard’s position to hold off on the purchase of the sewer until the agreements are approved. Glenn said he is also seeking a legal opinion on the appropriate disposition of the funds in the escrow account. Glenn said some of the escrow funds could be used to pay for past due processing fees but the related documents can be interpreted in more than one way and two of the three documents are null and void. Tom asked if the escrow account goes with the sewer line to the buyer. Glenn said the escrow agreement states that the escrow funds are transferred to the buyer at closing. Tom asked if Windsor is prepared to take over maintenance of the line. Glenn said yes although they are requesting a transition period where they work with Pathways and P2 Environmental. Tom asked if it is clear who is responsible if there is a major problem after we sign the agreement. Glenn said that will be reflected in the agreement, which Windsor’s attorney is reviewing and revising. Regarding the accounts receivable for past due sewer charges, Glenn said Town Attorney Matthew Birmingham has suggested that we move forward aggressively to collect them. Glenn estimated that there are about \$80,000 due from approximately 50 West Windsor property owners and we need that money to operate the system. Glenn said he and Matt have discussed proceeding with tax sales on properties with past due sewer bills. **Glenn moved to allow the town attorney to commence tax sale proceedings on West Windsor properties owing \$1,000 or more for sewer related charges. Tom seconded the motion.** Bruce asked how long the amounts owed have been past due. Glenn said he thinks all the amounts have been past due for at least 60 days and some have been past due for years. Glenn said these obligations need to be taken care of before a property transfer can occur. Tom asked if a letter will go to those with past due amounts less than \$1,000. Glenn said yes. **Glenn called for a vote on the motion, which passed unanimously.**
- 11) Village sewer funding update – Glenn said he met with Tom Kennedy and Rep. Sweaney in Montpelier on Thursday in an effort to obtain funding in addition to the CDBG-DR grant and Rep. Sweaney was very willing to help. Glenn said we were initially looking for funding from the pollution abatement fund administered by the Agency of Natural Resources (ANR) but, because of the wording of the governing statutes, our project is in a gray area. Glenn said the officials at ANR suggested that we ask our representatives to introduce a resolution to the legislature to allow our project to be funded. Glenn said Martha is planning to submit the CDBG-DR grant application this week and the required environmental review will be submitted by Aldrich & Elliott.
- 12) Schedule sewer ordinance public process – Glenn suggested starting the process for adoption of the sewer ordinance. Tom asked if the ordinance becomes effective at the time the first hearing is warned. Glenn said we will ask VLCT and then come up with a schedule for adopting the ordinance.
- 13) Capital budget discussion – Glenn said Martha has been working on a capital budget for highway equipment and we have also come up with a number of town capital projects that we shouldn’t lose sight of. Glenn suggested an article on the Town Meeting warning asking voters to approve an additional \$25,000 contribution to the Equipment Fund as a means of starting a discussion on the need for a sizable capital fund. Tom said if it weren’t for Act 144, we could be putting aside a large chunk of money every year. Tom said we should find out when that bond comes due. Once the Act 144 bond is paid off, Tom said, we could keep putting the same amount aside to pay for all these other capital projects. Tom suggested that the article be considered toward the end of the meeting. Glenn suggested that a similar article be considered every year. Tom said the article

could be adjusted based on the amount of the surplus or deficit for the prior year. **Tom moved to warn the additional article as proposed by the Chair. Bruce seconded the motion, which passed unanimously.** Mike said it would be helpful to have copies of the draft capital equipment budget that Martha prepared available at Town Meeting.

- 14) Consider Town Forest Committee (TFC) grant opportunity – Glenn said the grant application is due on February 28<sup>th</sup> and the TFC has a meeting scheduled for January 16<sup>th</sup> to discuss it. Jim said he thinks specific projects that are already permitted have a better chance of being approved. Jim said there is an advanced trail proposed in the Town Forest that has Act 250 approval but it's not a top priority. Tom asked about the bridge by the gravel pit as a possible grant-funded project. Jim said it would be a major undertaking to make that bridge "horse happy." Tom asked about the bridge's suitability for the rescue vehicle. Jim said the vehicle is too wide for the bridge but the forest can be accessed with the rescue vehicle via Kimball Farm Road. Glenn suggested applying for a grant to fund the planning for the connector trail from the state park. Jim said state approval of the connector trail will depend on how Phase I goes. Jim added that the portion of the connector trail in West Windsor is on resort land. Bruce said he thinks the grant should be for something in the town forest rather than on property we don't own or control. Bruce suggested making some of the existing trails more user friendly. Jim said if we lose access to the resort land, we'll need a trail to connect over to Gracie's Loop. Bruce said we're also going to need some maintenance equipment. Glenn suggested that the TFC decide whether it's feasible to apply this year.
- 15) Town Forest Committee 2014 projects – Glenn said the TFC has talked about doing the remaining survey work and amending our Act 250 permit. Glenn asked Rudy if he wants to discuss and prioritize projects with the TFC at their meeting on the 16<sup>th</sup>. Rudy said the TFC will do that at their next regular meeting. Bruce said he thinks the grant application, the Act 250 amendment and the survey should all be priorities. There was discussion about the need to finish the survey by surveying the West Windsor/Weathersfield town line, which will clear up some questions. Glenn said he will give the TFC the RFP that the Selectboard used to solicit bids on having the northern boundary line of the town forest surveyed. Jim said he just got a copy of a map showing the abutters on the Weathersfield side of the line. Jim said we need to determine whose property the Rock-n-Roll trail is on since it was recently mentioned in a national mountain bike magazine; it had been closed pending an ownership determination but now everyone wants to know where it is. Glenn said Erik Schutz has indicated an interest in having some trails groomed for cross-country skiing. The Selectboard members agreed that grooming some trails is a good idea. Jim said Erik would also like permission for a camp fire on Friday night. Glenn said we need to provide the property owner with a new Certificate of Insurance and request permission from the Fire Warden. Mike said he will go inspect the location on Mile Long Field.
- 16) Discuss and consider revised Town Forest Committee mission statement – Rudy said he would like the Selectboard to defer this item until the TFC has had a chance to discuss it. The Selectboard agreed.
- 17) Discuss Ascutney Convention Center – Tom said he thinks a convention center would generate money, provide jobs and be approved by Act 250. Tom said there is already parking and sewer, which is an advantage. Tom said he would like to arrange for the Selectboard to meet with someone to discuss the possibility. Glenn and Bruce agreed.
- 18) Sign Town Clerk's orders – See item #3. **Tom moved to sign orders. Bruce seconded the motion, which passed unanimously.** Glenn asked Cathy about adding an article to the warning requesting voter approval for an additional \$25,000 for the equipment fund. Cathy agreed to add the article at the end, as requested.
- 19) Police report – Glenn said there were 18 calls and 29 directed patrols in December. Mike said he has updated Windsor PD on West Windsor's winter road maintenance policy.

- 20) Other Business – Bridge #7: Tom noted serious problems with the deck on Bridge #7. Mike, Glenn, Bruce and Rudy agreed. Tom asked about widening the bridge when the deck is replaced. Glenn said he has not heard from Gary Sweaney recently but it might be worth a phone call.
- 21) Approve Minutes - December 9<sup>th</sup>: **Tom moved to approve the minutes of December 9<sup>th</sup> as written. Bruce seconded the motion, which passed unanimously.** December 19<sup>th</sup>: **Tom moved to approve the minutes of December 19<sup>th</sup> as written. Bruce seconded the motion, which passed unanimously.** December 27<sup>th</sup>: **Bruce moved to approve the minutes of December 27<sup>th</sup> as written. Tom seconded the motion, which passed unanimously.** December 30<sup>th</sup>: Tom said there was no quorum present. Martha said it was not a Selectboard meeting; it was a public hearing on a grant application, but the granting agency wants the Selectboard to approve the minutes. Martha noted that no one attended and therefore there was no discussion and no action. Glenn said it was simply a hearing to allow public comment on the grant application but there was no public present. Tom said he would like more information. Glenn suggested that the Selectboard accept the minutes as written. Bruce said he doesn't think he should sign it since he wasn't there. Tom said he would like to review the email correspondence between Martha and Nathan Cleveland before taking any action on the minutes. Bruce suggested that Glenn sign on behalf of the Selectboard. Martha said the minutes are part of the grant application so she cannot submit the application until the minutes are finalized. The Selectboard agreed to table consideration of the December 30<sup>th</sup> minutes until their concerns are addressed. December 31<sup>st</sup>: **Tom moved to approve the minutes of December 31<sup>st</sup> as written. Bruce seconded the motion, which passed unanimously.**
- 22) Consider 2014 Town Meeting warning – See item #7. **Tom moved to sign the warning for Town Meeting 2014. Bruce seconded the motion, which passed unanimously.**
- 23) Adjourn – **Tom moved to adjourn at 8:00 PM. Glenn seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison