

West Windsor Selectboard
Draft Minutes
July 24, 2017

Present: Dick Beatty, Win Johnson, Brett Myers, Tom Kenyon, Martha Harrison, Mike Spackman, Deb Shearer, Glenn & Shelley Seward, Elizabeth Burrows, David Jaacks, Linda Glock

- 1) Call to Order – Selectboard Chair Dick Beatty called the meeting to order at 6:30 PM.
- 2) Changes or additions to the agenda – Win said Seth Warren requested a copy of a survey of the land behind the Town Garage. Win said he'd also like to talk about the Hartford Transfer Station permits that were dropped off last week. Dick noted a conference call @ 3:30 PM tomorrow re: Route 44. Dick also noted a survey received from VT EPSCOR, and a TAC meeting on Wednesday at the SWCRPC office. Tom said he'd like to talk about the land on Silver Hill and this afternoon's Utility Advisory Committee meeting.
- 3) Announcements/Public Comment – Tom said the town worked hard to get fire protection to the Mountainside Condos and now they are hiring a lawyer because they have leaks in the pipes inside their buildings. Dick said there have been three complaints of high pressure at Mountainside. This afternoon, Dennis Brown came in and showed the Selectboard a fitting from one of the condo units and the fitting was about 60% clogged. Dick said no one knows yet what caused the leaks but when lines get clogged and you add pressure, there can be leaks. Dick said one of the other UAC members, who lives at the Village Condos, said they have experienced similar problems and have been repairing them at their own expense. Martha said she just got a message from Jason Booth that Manosh made some adjustments to the PRV and now the pressures are back to normal. Speeding: Linda Glock said speeding on Brownsville-Hartland Road has gotten worse since the road was paved and she is concerned for her life when she pulls out of her driveway with a horse trailer. Within the last two weeks, Linda said, she was almost hit twice. Linda said it might help to lower the speed limit a little and to put up another mirror. Dick said he has spoken with the Police Chief about speeding at the south end of Brownsville-Hartland Road but he will call him again and alert him to the need for additional patrols at the north end. Mike said the property owner can put a mirror in the right-of-way with the Selectboard's permission. Linda also asked about trimming the sumacs. Mike said that's fine. The Selectboard asked Mike to work with Linda in determining where she can put a mirror.
- 4) Event application: Ascutney Outdoors' "Brownstock" music festival; Saturday, August 19th, from 1:00 PM until 6:00 PM in the rope tow/warming hut area on the mountain – Deb said Josh Hearn from Donovan's in Bellows Falls is going to work with Harpoon to offer beer at the festival. Deb said he was going to drop off his caterer's license today. Martha said she didn't receive it. Deb said he also has \$2,000,000 of insurance coverage. Dick said we will need a Certificate of Insurance. Win asked how abutters will be notified of the event. Deb said there will be flyers at the hotel and elsewhere, and she can email all the property owners' associations. Deb said she respects the process but thinks the policy is a little restrictive when it comes to people bringing a bottle of wine with their picnic. Win said everything is okay, except the BYOB aspect. Glenn echoed Deb's concerns and said he hopes we can continue the conversation about the policy in the coming months. Dick said the Selectboard is receptive to discussion but is obligated to protect the town from getting involved in lawsuits because of alcoholic beverages on town property, without making activities that are beneficial to the town impossible. Glenn said he understands the town's position and wants

to make sure the town and Ascutney Outdoors are both protected. **Win moved to approve the application subject to receipt of the caterer's license and a Certificate of Insurance. Brett seconded the motion, which passed unanimously.**

- 5) Consider request by school for use of mountain parking area for August 5th concert – Elizabeth Burrows said there's going to be a jazz concert at the school on August 5th and, in the event of high turn-out, the organizers would like to use the Town Hall parking lot and the mountain parking lot. **Win moved to authorize the use of the mountain parking area, AKA the Infrastructure Support Area, on August 5th. Brett seconded the motion.** Dick asked if there are any other events at the same time. Deb said there's a small trail ride event in the morning but it will be over by noon. **Dick called for a vote on the motion, which passed unanimously.**
- 6) Discuss changes in Town Meeting and school budget voting that may result from a merger of the Windsor and West Windsor school districts – Elizabeth Burrows said if the school districts combine, the budget has to be voted on by both towns at the same time. Win asked if West Windsor would become part of a district that includes a middle and high school. Elizabeth said yes. David Jaacks said the 706 Committee, which includes representatives from Windsor and West Windsor, is trying to draft Articles of Agreement that would allow West Windsor voters to vote on a merger with Windsor. If there is a merger, David said, Windsor and West Windsor would transfer their school properties to the new entity. David asked if the town has authority to transfer West Windsor's school property. David said another question is what happens to the Albert Bridge School property if the school is closed. Finally, David said, both towns would have to vote on the school budget, and for school officers, by Australian ballot at the same time, which is a big change for West Windsor. David said he called Town Attorney Matt Birmingham to ask these questions and Matt told him to inform the Selectboard about the issues because it's up to the Selectboard to request his opinion. Elizabeth noted that the town leases water from the school and asked how that would work if the school became part of a merged district. Also, Elizabeth said, if the school were closed, the town would have the right of first refusal to acquire the building. If the town exercised its right, and the building were used for something unrelated to education, the Act 144 debt, which doesn't transfer to the district, would still be paid by the town. David said the property would have to remain public for four years; a private entity could not buy the property until after that four-year period. David said the new entity is asking to have the assets transferred without the liability, i.e. the Act 144 debt, which would remain a liability of the town until 2023 when it's paid off. David said the 706 Committee needs to concur on Articles of Agreement by the beginning of September, at which point the consultant would have 30 days to present the proposal to the Board of Education. The Board of Education would then review it in October so the public could vote on it in November. If approved, it would be implemented the following July. If the Selectboard feels that timeline is not appropriate, David said, the sooner they convey that to the 706 Committee the better. Dick said the balance due on the Act 144 bonds is about \$560,000, with one to be paid off in 2023 and the other in 2025. Dick noted that the town owns the land and the school owns the building. Win said Tom did some research and discovered that the land was donated to the town with the restriction that it be for school use. Dick said all of this requires further investigation and consultation with the Town Attorney. Win suggested a joint meeting of the School Board, the Selectboard, the 706 Committee, the consultant and the Town Attorney. David asked if the 706 Committee should continue to work on Articles of Agreement or if the potential encumbrances are too great. David noted that, at the last 706 Committee meeting, the Windsor members said they would need to meet separately and come back with

their terms because they are viewing it as a contract negotiation. David said that statement changed his perspective and motivated him to approach the Selectboard. Dick said, due to the regulations passed by the legislature, the Australian ballot issue would have arisen with any type of Act 46 reconfiguration. Dick said he would like to see the issues fleshed out so the Selectboard can meet with the Act 46 Committee. Win said he thinks getting all these issues resolved by the end of August is optimistic, but he'd like to see it done as quickly and efficiently as possible. Some issues, like the possible deed restriction, are technical, legal issues. Win said he thinks the Town Meeting issue is fairly simple; we just have to make a decision and it may be a change for us but there aren't any legalities involved. Dick said there may be time sequence issues, so he'd like to know the timeframe up front. Deb asked if switching to Australian ballot requires a town vote. Elizabeth said it would be one of the Articles of Agreement that would be voted on. Tom asked if the new combined school district can lease property rather than own it. David said the consultant indicated that transferring the property to the new district is part of the law. Dick said he'd like to see the Committee continue its work and thinks the Selectboard should contact Matt and ask him to get involved. Win suggested a meeting of the Selectboard, the Committee, the Town Attorney and the consultant. Dick agreed but said he would like to give Matt an opportunity to review the documents and issues with the Selectboard so they can come to the meeting with an understanding of what they can and cannot do. Win asked if the consultant could brief the Town Attorney on the issues. Dick said he will give Matt a call and asked Elizabeth to provide the name and contact information for the consultant. Win questioned the timeline. Elizabeth said the Articles of Agreement need to be resolved by early September in order to implement the new district by July 1, 2018. David said a delay would mean the new district would not be in place until the following year. David said there's another meeting with Windsor tomorrow at 6:00 PM in Room 210 at the Windsor School building.

- 7) Highway Foreman's Report – Mike said roadside mowing is almost done. Mike reminded those present that Phil's retirement party is this Friday. On the Silver Hill project, Mike said the trees are all cut and they're going to stump and do the lower portion of the project on Wednesday and Thursday. Mike said the road will be closed from Cowshed Trail to Brownsville-Hartland Road during business hours. Ditching and culvert installations are continuing. Mike said about half the roads in town have been graded with the new blades. Tom thanked the highway crew for the ditching on Seems Road, which seems to have resolved the erosion problem.
- 8) Bible Hill culvert – Mike said we're going to meet at the site on August 2nd or 4th.
- 9) Consider signing Request for Approval to Subcontract – Martha said the Approval to Subcontract form tells the state who we're planning to subcontract with for the Asset Management grant, and that the contract has the required language. Martha said A+E revised their engineering services agreement to incorporate the required language.
- 10) Consider signing DBE Subcontractor Form – Martha said we're leaving this form blank because we're working with the contractor that we've been working with and, beyond that, there aren't really any opportunities for subcontracting with disadvantaged business enterprises but the granting agency wants us to sign and return the form. **Win moved to authorize the Chair to sign both the Request for Approval to Subcontract and the DBE Subcontractor forms. Brett seconded the motion, which passed with Dick opposed.**
- 11) Authorize signing of asset management grant agreement – Martha said she will send the signed Request for Approval to Subcontract and the DBE Subcontractor forms to the state tomorrow, at which point they will send us a final grant agreement to sign so, if Dick is already authorized to sign it, he can just do so without waiting for the next meeting. **Win**

moved to authorize the Chair to sign the asset management grant agreement and the engineering services agreement. Brett seconded the motion, which passed unanimously.

- 12) Authorize signing of engineering services agreement with Aldrich + Elliott – See #11 above.
- 13) Consider signing DWSRF planning loan application – Martha said the application is not available yet. Martha said the mapping we were going to do with loan funds, we're now going to do with grant funds, but loan funds will still be used for a hydraulic study and long range plan. Win asked about the terms of the loan. Martha said our last planning loan was a five-year, 0% loan. Win asked Martha to double-check on that.
- 14) Water system update – Martha said we just got a call; the whole upper portion of the system is without water after Manosh adjusted the pressure. Martha said she talked to Patricia, who has talked to Jason, and they're working on it. Manosh is going to have to come back. Win said we have to treat this as an emergency. Win said Jason did a projected total cost for the water project and asked when those numbers will be finalized. Martha said Jason is waiting for legal and administrative cost information from Cathy.
- 15) Sewer Update – Review list of final village sewer project work: Dick said there are 15 items for Zaluzny and 3 items for Daniels. Dick asked if the town has communicated to the Landinos that their driveway is not going to be re-paved. Martha said she sent them the minutes of the Selectboard's last meeting. Dick asked when the work is going to be done. Tom said Daniels was working at the school today. Martha said she'll ask Jason when Zaluzny plans to do their work. Village representative for the Utility Advisory Committee (UAC): Win said we should put out a call to the village to see if someone wants to be on the UAC. Martha said she can send a letter asking for nominations.
- 16) Approve information for VT Department of Tourism ad campaign – **Win moved to submit the information to the VT Department of Tourism, including the four "places of interest" that everyone agreed on. Brett seconded the motion, which passed unanimously.**
- 17) Correspondence re: renewal of VT Stormwater Authorization #4088-9010 – Win said he would like to ask Mr. Tomberg what gives him the authority to mandate the development of a managing association to administer operational responsibilities. Dick suggested sending the letter to Matt and asking him to find out if Mr. Tomberg has that authority. Win agreed and said we should notify Mr. Tomberg.
- 18) Other Business – Survey of land behind Town Garage: Mike said the town paid \$1,500 to have that land surveyed because we were going to buy a piece of it. Tom agreed and said the property owner backed out of the deal after the town had it surveyed. Win said Bob Farnsworth got an email from Seth Warren asking for a copy of Spencer Clay's survey. Bob told Seth he did the work for the town and would need Selectboard approval to release a copy. Dick said if the survey was recorded, it's a public document and Seth can get it from the land records. Hartford Transfer Station permits: Win said Cathy is not enthusiastic about selling Hartford punch cards and stickers. Tom said the town has to pay Hartford in advance for the punch cards. Dick said he suggested telling the SWCRPC that we'll send them the money when we sell the cards. Win said Tom Kennedy was trying to be responsive to our discussion but maybe people who want them should just buy them in Ascutney. Dick said they can leave them here and we'll sell them and remit the money but we're not going to pay in advance. Martha asked if the person who made the request has been notified. Dick said he thinks she has. Win said Cathy is going to handle the Hartford permits the same way she handles the Weathersfield permits. Tom said yes, provided Hartford agrees. Silver Hill property: Tom said, on the advice of the Selectboard, he consulted with the abutting property owners and they have no interest in the property. Highway job: Mike said he would like to

start the hiring process, with application information due by August 25th. Tom asked if the highway department is going to continue to have four employees. Dick said he thinks there's enough work for four people. Mike agreed. Audit: Dick said he doesn't want to wait too long to prepare the management response for the audit. Transportation Advisory Committee (TAC): Tom said he has asked the state to look at the intersection of Route 44 and Brownsville-Hartland Road following the accident a week ago because he thinks there are sight distance problems.

- 19) Approve Minutes – July 10th & July 17th: **Win moved to approve the minutes of July 10th and July 17th. Brett seconded the motion, which passed unanimously.**
- 20) Town Clerk/Treasurer's Report – None
- 21) Sign Town Clerk's orders – **Win moved to sign orders. Brett seconded the motion, which passed unanimously.**
- 22) Adjourn – **Win moved to adjourn at 8:05 PM. Dick seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison