

West Windsor Selectboard  
Draft Minutes  
June 25, 2018

Present: Brett Myers, Win Johnson, Matt Kantola, Mike Spackman, Tom Kenyon, Martha Harrison, Shelley Seward, Cathy Hoyt (Windsor on Air), Bob Farnsworth, Cathy Archibald, Tom Urban

- 1) Call to Order – Selectboard Chair Win Johnson called the meeting to order at 6:30 PM.
- 2) Changes or additions to the agenda – July Fourth parade, Ascutney Outdoors easement, Village Center designation, Blood Hill grant agreement, Asset Management grant forms
- 3) Announcements/Public Comment – None
- 4) Town Clerk/Treasurer’s Report – None
- 5) Sign Town Clerk’s orders – **Brett moved to sign orders. Matt seconded the motion, which passed unanimously.**
- 6) Sign Fireworks Display Permit – **Brett moved to authorize Win to sign the permit. Matt seconded the motion, which passed unanimously.**
- 7) Ascutney Outdoors – **Matt moved to authorize Win to co-sign, as landowner, the Act 250 application for the T-bar and the associated Municipal Impact Questionnaire. Brett seconded the motion, which passed unanimously.**
- 8) Highway Foreman’s report - Highway access application (Luff property on Brownsville-Hartland Road): Mike said it’s a temporary access and he has no concerns about it. **Matt moved to approve the application. Brett seconded the motion, which passed unanimously.** Bible Hill culvert project update: Bob Farnsworth asked for clarification. Win said we need a temporary easement for construction and a permanent easement for maintenance, so we’re looking for a sketch outlining the easement area. Win said we could ask AOT to provide a sketch but time is getting short. Bob said he usually does an “as built” after the culvert is in place; he doesn’t have enough information to provide a sketch at this point. Martha said she’ll talk with Jim Barlow and see if we can get a temporary easement now and a permanent easement that references an “as built” after the fact. Win asked where we are with putting the project out to bid. Mike said it’s already out. Authorize Farnsworth Surveys to prepare easement exhibit: Win asked Bob to hold off while we see if we can get a temporary easement. Resort-area stormwater projects: Win said the stormwater permit for the resort expired and the state asked the town to figure out what to do about it since there’s no umbrella organization anymore. Win said Orange Lake hired Engineering Ventures to look at the stormwater system and provide a list of work that needs to be done to ensure that the system is working. Win said the infrastructure is on property belonging to different landowners and each landowner has agreed to do whatever repair work is needed on their property. Win said there are two issues on town property that need to be addressed. Win asked Mike if he has looked at them. Mike said he looked at one of them, which is way outside of the right-of-way but would be easy to fix. Mike said he doesn’t know where the second problem is. Win said he’ll ask Shannon Harrington to meet with him and Mike on site. Once the maintenance issues are addressed, Win said, we’ll have to figure out how to address the state’s requirement that there be one entity responsible for the stormwater system. Highway maintenance: Mike said they’re still ditching, hydro-seeding, mowing and weed whacking. Win noted that the state has already mowed Route 44. Mike said they mowed in

preparation for paving. Tom Kenyon noted that they removed the wooden guard rails today. Trucks: Mike said the new one-ton should be here by the middle of next month. Two of the trucks are currently having warranty work done.

- 9) Sewer System - Adopt revised Sewer Ordinance: Win noted that the attorney for the Utility Advisory Committee provided comments on the draft ordinance. Jim Barlow reviewed the comments and made some changes. **Brett moved to approve the ordinance. Matt seconded the motion.** Tom asked if it would be effective immediately. Win said it would be effective in 60 days. Tom asked for a copy of the ordinance, as adopted. Win agreed to provide one and noted that it would also be posted on the town website. **Win called for a vote on the motion, which passed unanimously.** Adopt sewer fees: Martha provided information about sewer allocation and connection fees in other Vermont towns, along with suggested fees for the Selectboard to consider, and the projected total fees for a typical 3-bedroom house in West Windsor. For comparison, Martha also provided the current water allocation and connection fees. Matt asked if these are one-time charges. Martha said yes. Martha said the total fees for a water connection end up being a little higher than the total fees for a sewer connection, which is appropriate because we have very little water capacity. Tom asked about disconnection. Martha said under the revised ordinance you can't really disconnect unless the structure is uninhabitable due to a natural disaster and then, if you don't plan to re-build, you can disconnect, but you give up your allocation and have to re-apply and pay all the associated fees if you want to re-connect at some point. If the property owners plan to re-build after a disaster, they can have their utilities shut off for up to a year. Matt said a \$1,250 sewer construction permit fee seems high. Martha said if a property owner's septic system fails, they would probably pay \$30,000 to put in a mound system. Win noted the \$500 water construction permit fees and suggested making both fees \$1,000. **Matt moved to set both the water and sewer construction permit fees at \$900. Brett seconded the motion.** Tom asked who is responsible for providing a survey when the line is installed. Martha said the property owner has to provide the plans for the connection. Win added that the property owner pays for the cost of the connection and Windsor supervises the hook-up. **Win called for a vote on the motion, which passed unanimously.** Adopt sewer allocation application forms: Win said the forms are an administrative issue and the Selectboard does not need to adopt them.
- 10) Water system update – Authorize signing of final closeout repayment schedule for water system improvement loan: Martha said the annual payment is \$38,649.03, which is what we were expecting it to be. **Brett moved to authorize Martha to sign the closeout repayment schedule for the water system improvement loan. Matt seconded the motion, which passed unanimously.** Authorize signing of Request for Funds for asset management grant: Martha said the request may need to be tweaked after she hears back from the Drinking Water Division but it's due at the end of the week. **Matt moved to authorize Win to sign the request. Brett seconded the motion, which passed unanimously.**
- 11) Authorize signing Financial Report Form for hazard mitigation grant – Martha said the town gets reimbursed for 75% of the total project cost; we have received partial reimbursement but we're due \$7,500. **Matt moved to authorize Win to sign the Financial Report form. Brett seconded the motion, which passed unanimously.**
- 12) Request by Library Trustees for Legal Opinion – Win said the Selectboard got an email from Library Trustee Dick Beatty asking the Selectboard to authorize the Town Attorney to research the records and determine who owns the Mary Blood Library. Tom said the question

isn't about ownership, it's about who is empowered to manage the library on a day-to-day basis; who hires and pays the Librarian, which cannot be determined until we know whether it's a municipal library or not. Win said in order to determine that, we need to determine if the town owns it. Tom said the Library was built by Blood but then given to the town with the understanding that there would be a board of trustees that would manage it. Tom said state statutes have changed over time and now there is some question as to whether it is a municipal library, an independent library, or some combination thereof. Brett asked what is in question now that led to this inquiry. Tom said there are payroll questions. Brett asked who made those decisions in the past. Tom said the board of trustees, but the Librarian has requested a change in policy with regard to part-time employees so the question is who decides – the Selectboard or the board of trustees. **Brett moved to ask the Town Attorney to research the question. Win seconded the motion.** Brett asked who pays the legal fees. Win said it would be a town expense. Win asked Tom if Matt should contact him for more information. Tom said Matt should contact him and Dick Beatty. **Win called for a vote on the motion, which passed unanimously.**

- 13) Correspondence: Trace Landino – Win summarized his understanding of the situation. Win said it's the Selectboard's position that the second trench patch on the Landino's driveway is a good one; they acknowledge, however, that it is a patch. Win said it's the Selectboard's understanding that the Landinos are interested in having the entire paved area, including the trench patch, re-surfaced. Win said in March the Selectboard, through Town Attorney Matt Birmingham, offered to contribute \$3,000 to the cost of re-surfacing. After that, Win said, Ms. Landino tried to contact Matt and Matt was not responsive. Finally, Martha contacted the Landinos to find out if they wanted to proceed with the re-surfacing on the basis of the Town's offer. Somehow, Win said, Ms. Landino got the impression that the Town might entertain a counter-offer and a request has come in for \$4,000. Win said he drafted a letter responding to the request for the Selectboard to consider. So the questions, Win said, are: do we stay at \$3,000, and do we send the letter. Tom Urban was present on behalf of the Landinos and said they are not looking to repave the whole driveway; they are looking to solve the problem with the trench, which is still sinking. Tom said Blaktop would not guarantee that their work would solve the problem. Tom said when the contractor was doing the second patch, he broke into a vault; no one knew what it was but it left a big void. Tom said when the contractor back-filled, he didn't back fill into the vault so the new patch is cracking and sinking. As a result, Tom said, no one will guarantee the re-surfacing of the entire paved area until the trench patch problem is fixed. Tom said they got a price from a contractor who will fix the trench patch for \$4,000 and will guarantee the work. Tom said the town's contractor did not do a good job compacting the soil. Tom added that the contractor and engineer changed the route and went outside the right-of-way so now there's no right-of-way where they ran the pipe. Brett asked Tom if he has a quote for \$4,000 that he could share with the Selectboard. Tom said no; we'll fix it to our satisfaction, we don't want the town to do it. Tom said the town offered \$3,000 and they need \$4,000. Brett said the Selectboard needs to see some evidence of that. Win said if you put in another trench patch, you're going to have the same problem. Matt asked if they're going to remove all the asphalt, compact the soil and repave the entire width of the driveway. Matt added that the town can't hand the Landinos a check for \$4,000 without knowing what they're doing. Brett said the town needs to know what the project is, who's doing it, the cost, and why \$3,000 isn't sufficient. Tom said they will get the Selectboard a quote. Win said he doesn't think it makes sense to

remove the trench patch. Tom said maybe that's not how the new contractor would do it. Tom invited the Selectboard to come by and inspect the work that was done. Win agreed that the work was not done properly the first time but Zaluzny re-laid the pipe and re-did the trench patch and the engineer who inspected it said it was a good patch. Win encouraged Matt to go look at it.

- 14) Other Business – Harrington Road project: Mike said the directional bore on Harrington Road that was originally scheduled for the end of May will be done sometime in the next three weeks. Win asked if that's a Green Mountain Power project. Mike said yes. Blood Hill grant agreement: **Matt moved to authorize Win to sign the grant agreement. Brett seconded the motion, which passed unanimously.** Ascutney Outdoor easement: Win said the lease with Ascutney Outdoors (AO) requires them to grant the town an easement to reach the pump station and reservoir #1, and to maintain the water lines that run under AO's property. Jim Barlow has drafted an easement and AO has agreed to sign it after the deed information is added. **Brett moved to authorize Win to sign the easement on behalf of the town and forward it to AO for their signature. Matt seconded the motion, which passed unanimously.** Village Center designation: Win said he and Al Keiller went to Montpelier today to testify on behalf of the town's application for village center designation. Win said the application was approved which will allow the Friends of the Brownsville General Store to apply for tax credits. Fourth of July parade: Win said the July Fourth Committee has asked the Selectboard to be in the parade. The Selectboard agreed. June 27 meeting: Win noted that the Selectboard is meeting on June 27 to interview the engineers who have applied to work on the next phase of our sewer project. Brownsville General Store: Tom said the work day at the General Store went very well. Win noted that the Development Review Board's hearing on the store's application is tomorrow night. Landino letter: Win asked Matt and Brett if they are in favor of sending the letter he drafted to the Landinos. **Brett moved to authorize Win to sign the letter. Matt seconded the motion, which passed unanimously.**
- 15) Approve Minutes: June 11<sup>th</sup> and 13<sup>th</sup> – **Brett moved to approve the minutes. Matt seconded the motion, which passed unanimously.**
- 16) Adjourn – **Brett moved to adjourn at 8:06 PM. Matt seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison