

West Windsor Selectboard  
Draft Minutes  
June 27, 2016

Present: Dick Beatty, Tom Kenyon, Win Johnson, Michael Epstein, Cathy Archibald, Martha Harrison

- 1) Call to Order – Dick Beatty called the meeting to order at 9:00 AM.
- 2) Changes or additions to the agenda – Report on meeting with Tom Marsh
- 3) Announcements/Public Comment – None
- 4) Sign Town Clerk’s orders – **Tom moved to sign orders. Win seconded the motion, which passed unanimously.**
- 5) Town Clerk/Treasurer’s Report – None
- 6) Request to bury conduit in Bible Hill right-of-way (Ralph Stone) – Tom asked why the request came to the Selectboard. Martha said a property owner hired Ralph Stone to run the conduit for EC Fiber’s cable under Bible Hill Road to her house. Dick said the statutes indicate that anyone doing work in the ROW needs permission from the Selectboard. Win asked if that authority can be delegated to the Highway Foreman. Dick said he doesn’t know. Tom said the Selectboard generally defers to the foreman. Dick agreed that the Selectboard would not approve a request without first discussing it with the foreman. **Win moved to approve the request, submitted by Ralph Stone, to bury conduit under Bible Hill Road, subject to the conditions specified by the Road Foreman. Tom seconded the motion, which passed unanimously.**
- 7) Email correspondence re: Bible Hill culvert replacement (Michael Epstein) – Michael gave some background on the culvert, which was a serious problem during Tropical Storm Irene, when the Epsteins lost part of their backyard and their neighbors, the Calhouns, almost lost their house. Michael said the town had a hydraulic study done, priced out a box culvert, and applied for grant funding to replace the culvert in 2015. The application was turned down. The town applied again in 2016 and was turned down again. Michael asked the Selectboard to consider setting aside an annual amount so the town can do the project in five years if the state is still turning down the town’s requests. Win asked about the state’s process. Martha said District 4 ranks the applications from the towns in the district. Win suggested considering Michael’s request when the Selectboard prepares the budget for 2017. Martha said she talked to Mike Spackman and he said he would price out a pipe arch for this location, which would be less expensive than a box culvert. The Selectboard agreed to include this item on their next agenda.
- 8) Consider appointing representative to the Clean Water Advisory Committee – Martha said the RPC is forming a Clean Water Advisory Committee and offered West Windsor a spot on the committee. Dick suggested appointing Mike Spackman since one of the areas the Clean Water Act focuses on is highway runoff. Tom agreed. **Win moved to appoint Mike Spackman to the Clean Water Advisory Committee. Tom seconded the motion, which passed unanimously.**
- 9) Discuss public assembly permits for AO sponsored events on town property – Win said he thinks it’s reasonable to require permits for Ascutney Outdoors (AO) events; he’s okay with waiving the fee but he doesn’t think it makes sense to waive the whole process. Tom agreed and said the events should be posted on a calendar. Win said he also thinks the Selectboard should revisit the language in the public assembly ordinance. Dick asked about the language in the lease. Win said the lease requires AO to apply for permits for special events. Dick asked how special events are defined. Win said, in his opinion, a special event is an event that generates traffic, and potentially noise or the need for emergency services, that is out of the ordinary. **Win moved to require permits for AO events but to waive the fees. Tom seconded the motion.**

Dick said he would like to involve Ted Siegler, the Selectboard's representative to Ascutney Outdoors, in this discussion. **Tom moved to table consideration of the motion. Win seconded the motion to table, which passed unanimously.** Martha noted the Gnar Weasel bike race coming up on July 2<sup>nd</sup> and asked the Selectboard if a permit is required. Win asked how much additional traffic the race will generate. Martha said Laura Farrell is supposed to get back to her today with that information. **Win moved to grant a permit for the Gnar Weasel bike race if one is required. Tom seconded the motion, which passed unanimously.** Tom said emergency services should be notified.

- 10) Village sewer update (treatment charges, equivalent users) – Tom noted that some of the properties in the village are connected and sending sewage to Windsor. Tom said he thinks a single family home and a duplex should be treated the same. Dick asked if the town is obligated to follow the state rules. Tom said the EPRs are guidelines. Win said before we make decisions we need to know how much latitude we have. Martha said there is a definition for “equivalent user” in our sewer ordinance. According to our definition, a duplex would count as two, a single-family home with an apartment would count as two, and commercial uses are evaluated using flows. Win suggested asking Windsor’s Town Manager how Windsor determines EUs. Tom said he thinks we should get guidance from Aldrich + Elliott. Tom asked about separate living spaces with a shared kitchen and bathroom. Dick said we need to have a standard application for everyone. Win asked if VLCT can offer any guidance. Dick said since our ordinance has a definition, we need to be consistent with that. Win agreed that we need to comply with our definition. Tom said he would like to know how Windsor treats a “mother-in-law” apartment. Tom said he objected to sending a letter of inquiry regarding use to one individual property owner; he thinks if we’re going to send a letter, we should send it to all property owners. The Selectboard agreed to review our ordinance and check with Windsor and Aldrich + Elliott for additional guidance. Martha said we should give Windsor a number by the end of the week since July 1<sup>st</sup> is the start of the first billing period for the village users. Win reported on his meeting with Tom Marsh last Wednesday. Win said he thinks Windsor’s rate calculation is reasonable but there is a lack of clarity on “major maintenance” in the agreement between Windsor and West Windsor. Based on his discussion with Tom Marsh, Win said it’s his understanding that, if a pump went down and it could be repaired, Windsor would repair it but if it needed to be replaced, West Windsor would replace it. Win said, for the time being, he doesn’t think West Windsor needs to raise our sewer fee, even though Windsor raised its treatment charge. Win said Windsor will pay for the costs associated with operating the system, such as electricity, and West Windsor will pay for our own billing and bookkeeping expenses. Dick agreed that West Windsor should have a reserve fund to replace worn-out equipment that cannot be repaired. Regarding insurance, Win said it’s possible that Windsor and West Windsor could save money by asking VLCT to insure the whole system and then sharing the cost.
- 11) Water system update (Permit to Operate, bonding amendment, easements, electrical service) – Electrical service: Martha noted the temporary electrical permit has been extended until the end of the year. Martha said, with regard to the new poles & power line over the maintenance parcel, A+E has suggested that we get our ducks in a row with Green Mountain Power (GMP) so we’re prepared to proceed with installation in August. Win asked Martha to contact GMP and let them know we want to be ready to go as soon as the contract is signed. Dick asked if we have a final cost figure on the new electric line. Martha said no; we have an estimate. Tom said the town is only doing what we need for the water system. Dick agreed that Ascutney Outdoors would have a separate meter and, if they want to run conduit in the trench up to Reservoir #1, they will have to pay for the conduit. Tom said it’s his understanding that the wire and transformer on Ski Tow Road are going to be sized for the town’s use and, if they need to be upgraded in the future to

accommodate AO, then AO would pay for that upgrade. Dick agreed. Martha said she thought we agreed, at the meeting on May 18<sup>th</sup>, to increase the amps. Win said he doesn't think that's a material incremental cost. Win suggested talking with GMP and getting more details on the service and the costs. Permit to Operate: Regarding the Permit to Operate, Martha said Aldrich+Elliott and P2 Environmental are both okay with her draft response letter. **Win moved to approve and send the draft letter. The motion passed unanimously.** Bonding amendment: Martha said Paul Giuliani will provide more information on the process the Selectboard needs to go through to exceed the \$500,000 amount authorized by the bond vote. Tom said we don't know the final number until the bids come back. Easements: Dick said Matt Birmingham is working with Chris Dugan on the Snowdance easement and Nate Stearns on the Mountainside easement. Dick said he hopes the easements are not going to be a stumbling block. Tom asked if there is anything that can hold us up. Win said we have to make sure Green Mountain Power is ready to go. Martha said the easements have to be in place. Dick said the state needs to get us a Permit to Construct. Regarding the fence around tanks 2 & 3, Tom asked if we should note that the fence will be installed in the future by the water system. Win said, before that, we should install a generator at the main well. Win said all these projects are contingent on funding. Dick said he would assume that the state has to concur that some elements of the project (e.g. the fence and the main well generator) are not going to be done in this funding phase. Win said we have to determine how much capital reserve funding is available for the water system before making a decision on the generator and the fence. Tom said tax money will start coming in soon so the town can lend money to the water system, knowing that it will be reimbursed.

- 12) Consider signing contract with water system operator P2 Environmental – **Win moved to approve the contract. Tom seconded the motion.** Dick said the contract looks reasonable. Dick noted that it does not cover services rendered by Dennis Brown. Cathy said Dennis Brown is paid through payroll and then the water system reimburses the town for his wages at the end of the year. **Dick called for a vote on the motion, which passed unanimously.**
- 13) Sign Act 250 amendment application for water system improvements – **Win moved to authorize the Chair to sign the Act 250 amendment application on behalf of the Selectboard. Tom seconded the motion, which passed unanimously.**
- 14) Brook Road property demolition update – Martha said she sent the Selectboard a draft contract to look over. The bids will come in by July 8<sup>th</sup> to be considered by the Selectboard at their meeting on July 11<sup>th</sup>. Dick noted the town's continuing obligation to inform the state that the property is being maintained as open space. Win asked if the property can be turned over to a Land Trust. Martha said only with FEMA's permission. Tom asked about turning it over to Crocker Hill. Martha said she thinks the town determined that the property is not adjacent to Crocker Hill. **Win moved to refer the question of the use and disposition of the Brook Road property to the Conservation Commission. Tom seconded the motion, which passed unanimously.** Martha asked the Selectboard if they are okay with the draft contract. Dick said yes. Tom concurred.
- 15) Consider Group Net Metering Agreement with Mountain Funds, LLC – Dick noted Gerry Tarrant's thorough review of the document. Dick said Attorney Tarrant suggests three separate agreements between MountainFunds and the town, the water system and the school. **Win moved to authorize Attorney Gerald Tarrant to negotiate the terms of the net metering agreement with MountainFunds on behalf of the town. Tom seconded the motion, which passed unanimously.** Dick said he will let Attorney Tarrant know that he is authorized to negotiate the Agreement for the town. Regarding the Certificate of Public Good recently issued by the Public Service Board, Dick noted that it included the conditions requested by the town

with regard to screening requirements and maintenance but did not include the stricter condition requested by the Regional Planning Commission.

- 16) Contaminated soil on maintenance parcel – **Win moved to request a face-to-face meeting with Matt Becker. Tom seconded the motion.** Dick said it would appear that the town crew can do the work as long as they are supervised by someone with HazMat training. Dick suggested finding someone local who has the required training. Dick said the only other option Mr. Becker offered was to have the soil hauled away. Win said it's not doing any harm to leave the soil there for another month while we arrange a meeting. Dick said, in the meantime, he would like to get prices from HazMat contractors who can supervise the project and write up the report. Tom said when the town had a similar issue at the Garage, the soil was covered and left for several years until it was no longer a problem. Martha said that would be a question for Matt Becker. Steve LaRosa seemed to think we had a number of options, including leaving it covered or mixing it with manure and spreading it on the site. **Dick called for a vote on the motion, which passed unanimously.**
- 17) Update on Town Hall projects – Clock: The clock project is going well. Heating system: Tom said the heating system project is going fine. Harper Environmental will be coming this week to remove the oil tank. Win said there's a lot of space in the old furnace room and asked if it can be partitioned and used. The Selectboard agreed to look at the furnace room after the meeting. Sewer: Tom noted that the Town Hall is now hooked up to the sewer system. Grounds: Tom said he thinks the Selectboard agreed that we're not going to do anything this year. We'll budget for plantings next year. Win said he hopes Zaluzny will continue watering the grass seed. Tom said they'll be here for a while longer. Landino property: Dick asked if the driveway paving issue has been satisfactorily addressed. Tom said that is between Zaluzny and the property owner. Win said he thinks Zaluzny's going to have to remove the patch and put it down again. Tom noted that he, the Historical Society, and the church are going to have some paving done by the same company at their own expense.
- 18) Utility Advisory Committee resignation – **Win moved to accept Tom Kennedy's resignation with appreciation. Tom seconded the motion.** Tom asked if the Selectboard should appoint someone to take his place. Win said he doesn't think we should at this point. **The motion passed unanimously.**
- 19) Other Business – Conflict of Interest & Rules of Procedure policies: Win asked Dick to circulate the revised documents when they are available. Dick agreed. Amended minutes: Win asked Martha if it's necessary to amend the minutes with regard to cost sharing for the new electric line. Martha said the Selectboard clarified their intentions at a subsequent meeting. Clean-up work: Tom said inmates from the correctional facility will be cleaning up around town in preparation for the Fourth of July and will also be touching up the paint in the Town Hall. Win said it would be good to do the painting when there are no employees in the building.
- 20) Approve Minutes - June 13 & 20: **Win moved to approve the minutes. Tom seconded the motion, which passed unanimously.**
- 21) Adjourn – **Win moved to adjourn at 9:40 AM. Tom seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison