

WEST WINDSOR SELECTBOARD

Draft Minutes

May 3, 2013

Present: Glenn Seward, Tom Kenyon, Bruce Boedtke, Chris Nesbitt, Win Johnson, Ted Siegler, Dave Halpert (EC Fiber representative), Ken Parrot (EC Fiber alternate representative), George Calver (*VT Standard*), Martha Harrison

- 1) Call to Order – Selectboard Chair Glenn Seward called the meeting to order at 8:00 AM.
- 2) Public Comment – None
- 3) Discuss funding for fiber optic line extension – Glenn said the proposal is for conventional funding at 3% through the town’s bank, contingent on a town vote. Win asked who would be paying the interest during construction. Glenn said he is planning to sit down with Attorneys Paul Giuliani and Matt Birmingham, and EC Fiber’s Tim Nulty, to work out the details. Ken noted that the construction period would be 12 to 18 months. Glenn said the loan would be for 10 years with EC Fiber reimbursing the town through lease payments over 20 years. There was discussion about pole ownership and permits. There was discussion about the municipal trunk line project and EC Fiber’s 10-mile loop project being contingent upon each other. Dave said the population density per mile on the proposed route is high enough that the risk of not having enough subscribers should be minimal. Glenn asked if the Selectboard is comfortable with running a deficit for years 1 through 10, to be made up in years 10 through 20. Bruce said he doesn’t know how else to do it. There was discussion about the pooling of funds. Dave said a minimum of 75% of all funds raised in a town have to be used in that town. Dave said it’s in EC Fiber’s best interest to use the funds to increase the number of subscribers. Ted asked if the loan could be structured so that the payments in the first ten years are lower than the payments in the next ten years. Glenn said he will look into that. Tom asked how long the town would retain ownership of the line. Dave said it’s advantageous to the town to maintain ownership due to the revenue stream after year 20. Ted said if the town had an “all in” lease with EC Fiber, EC Fiber would have all the responsibility of operating and maintaining the line. Ted added that maintaining ownership would reduce the town’s risk; if EC Fiber were to fail, the town would still have the asset. Glenn clarified that the deficit in years 1 through 10 would be \$5,100 per year, less the savings in the town’s utility bills. Glenn said Tim Nulty is concerned about agreeing to a deadline for construction of the line. Dave said it behooves EC Fiber to build the line as soon as possible. Tom said the new pellet plant would be one of the first buildings on the line and asked if buildings can get connected as the line passes them or if they have to wait until the whole network is in place. Dave said we can ask that question. Regarding title, Glenn noted that the town would retain title from the outset. Regarding how funds are paid to EC Fiber, Glenn said he assumes it would be like a normal construction contract, based on percentage of completion. Dave said there are up-front fees for pole permits and expenses associated with ordering the fiber and “make ready” for the poles. Glenn said the agreement would include a provision for West Windsor to assume or assign operational control of the system. Win suggested that the agreement specify performance requirements. Glenn said Tim Nulty is concerned about an open-ended commitment. Those present agreed that EC Fiber should agree to provide service for at least the length of the 20-year lease. Glenn said EC Fiber will document their agreement with Fairpoint for service from the Reading point of presence (POP). Tom said if additional poles are needed, the town has control of the highway right-of-way and can grant permission. Dave said an initial survey of the pole locations has been done. Ken said EC Fiber now has to “gps” each pole and apply for the permits. Ken reported that very little “make ready” is required on the proposed route. Win asked if the garage, town hall, library, fire station, and school would all be connected. Glenn said the school is up in the air. There was discussion about the school’s existing contract with sovernet and sovernet’s failure to perform under the contract. Those present figured out that connecting with EC Fiber would save the school approximately \$7,000 per year. Win said it would be great to have the School Board supporting the

proposed articles on May 30th. All agreed that Win should contact Erik Schutz and then, if necessary, School Business Manager Ed Connors. Tom noted that connecting with EC Fiber would save tax payers more than \$7,000 because, for every dollar we spend, we give a dollar to the state education fund.

- 4) Discuss/prepare for informational meetings on the proposed construction of a communications plant for furnishing telecommunications services to and among public facilities - Glenn asked those present to take the lead in presenting the proposal at the informational meeting on May 21st. After discussion, all agreed to ask EC Fiber officials to be present in case technical or contractual questions arise. Tom asked why someone who is not on the initial proposed route would support the article. Chris said prospects for future expansion should be persuasive. Bruce said high-speed internet is essential for attracting people to town. Dave said he has a list of reasons to support fiber optic projects. Tom said the increase in the Grand List due to the expansion of high-speed internet should more than make up for the difference between lease payments and debt service in the first 10 years. Chris said Seth Warren has indicated that high-speed internet increases the value of a house by 5%. Ted asked if Matt Birmingham is going to moderate the meeting. Glenn said Matt is willing to moderate. Those present agreed that the Selectboard will introduce and support the proposal, Dave will make a presentation, Chris, Win or Ted will provide an update on their efforts to raise capital and, if they're willing, the School Board can endorse the project. Win asked if the prospective buyer of the talc plant is willing to speak to the importance of high-speed internet. Glenn said he will ask him. Martha asked if the fundraising campaign is still open to additional investors. Chris said yes. Chris added that EC Fiber has been invited to the annual meeting of the Happy Canyon association.
- 5) Discuss draft Interlocal Contract between West Windsor and EC Fiber – Glenn said he will meet with Tim Nulty, Paul Giuliani and Matt Birmingham.
- 6) Discuss informational meeting regarding the proposed pellet plant – Glenn said Steve Querrey would like to schedule an informational meeting. Glenn said he suggested Saturday, May 11th but he hasn't heard back from Steve.
- 7) Consider recreational trail marketing proposal: Phase I – Glenn said the Selectboard has committed approximately \$5,000 for the proposal, and Sports Trails of Ascutney Basin (STAB) has indicated a willingness to provide the remaining funds required. **Glenn moved to approve Phase I of the Recreational Trail Brand Development proposal as submitted by Ryan Thibault in conjunction with STAB with the town's contribution not to exceed \$5,000. Bruce seconded the motion, which passed unanimously.**
- 8) Discuss appointment of Selectboard member/Business community member to help guide recreational trail branding process – Glenn suggested that Martha Harrison act as the Selectboard's delegate in this process. Bruce agreed. Bruce thought that Jim Lyall would be a good representative for STAB, given his intimate knowledge of the trails. Tom agreed. Glenn said he is reluctant to propose a STAB representative but he would pass along the suggestion. Tom asked if Mark Isenberg would also be on the panel. Glenn said yes. **Tom moved to appoint Martha Harrison to represent the Selectboard on the recreational trail branding panel. Bruce seconded the motion, which passed unanimously.**
- 9) Sewer line purchase update – Glenn said the sale has been approved by the court and the final hurdle is to have the Act 250 permit transferred. Given the number of disgruntled users, Glenn said, he would suggest requesting a full Act 250 hearing from District 2 Coordinator April Hensel to ensure that all concerns have been addressed. Bruce agreed. **Glenn moved to contact District 2 Environmental Coordinator April Hensel to request a full Act 250 hearing regarding the transfer of the permit associated with the Snowdance sewer line. Bruce seconded the motion, which passed unanimously.**
- 10) Condo tax sale update – Glenn said the town agreed to a stipulation that requires the tax sale to be voided and rescheduled through no fault of the town. Glenn said the town is assured of all tax sale expenses and the receipt of the full amount of taxes owed on the properties in question.

- 11) Bowers bridge update – Glenn said Michael Ortega from West Windsor’s insurance provider, the Vermont League of Cities and Towns, has been unresponsive.
- 12) Route 44 bridges update – Glenn said the bridges that were scheduled for re-decking this year have been put off until next year. Tom suggested continuing to explore the alternate emergency access to the resort. Bruce and Glenn agreed.
- 13) Designate emergency location for Brownsville Post Office – Tom said Postmaster Scott Hammond has asked the Selectboard to designate an emergency location for the Post Office in the event of flood, fire or other disaster. **Tom moved to designate Story Memorial Hall as the emergency location for the Post Office. Glenn seconded the motion, which passed unanimously.**
- 14) Bowers Road tire cleanup expense – Glenn said two dumpsters were delivered yesterday. Glenn estimated the total expense at \$2,500 to \$3,000. Glenn suggested determining which expense account the funds will come from at the next meeting. Tom suggested that it be considered a clean-up expense.
- 15) Town Clerk’s orders – **Tom moved to sign the Town Clerk’s orders. Bruce seconded the motion, which passed unanimously.** Glenn noted that the last two orders are for wastewater expenses per the escrow agreement. Glenn noted that sewer collections are slow but users have received services and have to pay their bills. Glenn noted that Tom Marsh sent a letter to the Dairy Lane users in Windsor, encouraging them to pay their bills. Glenn said Matt has suggested taking delinquent accounts to small claims court after we close on the purchase. Tom asked if the town is protected from someone selling their property without paying their bill. Glenn said not yet; we’d have to file a lien.
- 16) Other Business – Budget: Tom said he thinks the Selectboard should start considering the warning for the 2014 Town Meeting and keeping track of budget expenses for 2014, such as the Sheddsville Cemetery wall. Glenn said legal expenses are almost over budget for 2013. Stump dumping: Bruce said stump dumping is still occurring at the gravel pit in the town forest. Chris Bump: Tom wondered about the status of the Selectboard’s meeting with Chris Bump. Flags: Tom said someone is donating 12 of the new flags and the church is donating flags as well. Tom said the remaining flag and pole expenses need to be budgeted for next year.
- 17) Adjourn – **Glenn moved to adjourn at 9:35 AM. Bruce seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison