

West Windsor Selectboard  
Draft Minutes  
October 13, 2015

Present: Dick Beatty, Tom Kenyon, Ted Siegler, Cathy Archibald, Bruce & Cathy Boedtke, Bob French, Polly Ouelette, Sherry Barbour, Laura Farrell, Deb Shearer, Marissa Hammond, Bill Ley, Martha Harrison

1. Call to Order – Dick Beatty called the meeting to order at 6:30 PM.
2. Changes or additions to the agenda – sign easement; highway report
3. Sign Town Clerk’s orders – **Tom moved to sign orders. Ted seconded the motion, which passed unanimously.**
4. Town Clerk/Treasurer’s Report – Cathy had something to discuss under “Other Business.”
5. Announcements/Public Comment – None
6. Discuss Fourth of July Committee structure – Dick noted that the Selectboard has received an opinion from the Town Attorney that the Fourth of July Committee is subject to the Open Meeting Law. Dick asked to have the Town Attorney’s opinion included with the minutes. Cathy Boedtke said the committee contacted the Vermont League of Cities and Towns and got the same opinion, given that funds raised are deposited with the town and managed by the Town Treasurer. Cathy had questions about the structure of the committee and the appointment of committee members. Cathy said the committee will not be meeting until December and is therefore not out of compliance with the open meeting law. The Selectboard asked the committee members to decide whether they want to continue to operate as a town committee, subject to the open meeting law, or if they want to operate as an independent volunteer committee, not affiliated with the town and not subject to the open meeting law. Cathy asked about insurance coverage. Ted said he thinks it would have to be a town committee to be covered under the town’s insurance. Ted and Dick expressed appreciation for the work of the committee.
7. Discuss & consider approving Celebrations Committee of West Windsor – Tom said he will put his proposal in writing. The Selectboard agreed to table discussion until further notice.
8. Trees on Town Hall property - Consider request to allow lighting of tree: Tom said two of the trees should come down. Ted said he is in favor of lighting one of the trees but he’d need to be convinced to cut the others down. Dick agreed. Ted said he would agree to cut down the large one in the back. Public Hearing on Tree Removal per Tree Warden: Tom said this is the opportunity for the public to comment. Approve funds for Tree Removal: **Tom made a motion to spend two more days taking down dead trees at \$1,000 per day. Ted seconded the motion, which passed unanimously.**
9. Consider request by Mt. Ascutney Outdoors (MAO) for waiver of zoning application fees – Laura said the waiver request is being withdrawn. Ted asked for an update. Deb said MAO is in the process of preparing an Act 250 permit application for a 1,000 ft. rope tow on the mountain between the Base Lodge and the maintenance garage, hugging the tree line and terminating where the old village chair used to terminate. Laura said telephone poles, trucking, and many other materials and services will be donated, and Ross Stevens from Stevens Engineering is providing the design. Dick noted that the local application will be heard by the Development Review Board (DRB) on Thursday evening. Dick said the Act 250 application requires the Selectboard Chair to sign a Municipal Impact Questionnaire. **Ted moved to authorize the Chair to sign on behalf of the Selectboard. Tom seconded the**

**motion, which passed unanimously.** Tom asked if any mature trees will be cut. Laura said they will have to cut a couple of immature trees. Laura asked if they can access the property through the maintenance garage parcel, if Dan Purjes agrees. Ted said the town is pursuing an option agreement to acquire the Base Lodge and suggested that MAO talk with Dan about using the Base Lodge access road. Dick said if the town does acquire the Base Lodge property, it will not be subject to the conservation easement. Laura said MAO will have insurance when they start construction on the rope tow. Laura noted that one contractor has provided the town with a Certificate of Insurance so he can start mowing. Laura asked about finalizing the MOU between MAO and the Town. Ted said the Selectboard can't sign it until the town closes on the property. Dick suggested that MAO have their attorney review the document again. Ted said the town still needs to determine the role that the various committees and organizations will have in the management of the property. Laura asked about having a public information meeting. Ted suggested waiting until after the property is acquired. Tom asked if the Phase 2 environmental study results are available. Ted said no; Matt Becker expects to have the results to us by early November.

10. Consider Ascutney Meadows Solar Project plans – Dick noted that the town has received information from MFW's counsel that they are planning a solar array in the former settlement lagoon area for the resort. Dick suggested putting information about the project on the town's website, along with the site plan. Dick said the town has a limited opportunity to comment on the proposal before November 13<sup>th</sup>. Dick suggested putting the project on the agenda for the Selectboard's November 9<sup>th</sup> meeting. Ted noted that the town can comment but otherwise the PSB has jurisdiction.
11. Village sewer project update - Certificate of Title to Site: MFW has signed their sewer easement and Matt has signed the certificate. Tom noted the pre-construction meeting will be held on Thursday at 1:00 PM. Consider short-term financing needs: Ted said Zaluzny should provide a draw-down schedule at the meeting. Martha said our grant is approved and our loan is approved but we don't have access to any of it yet; HUD has not released the grant funds and the Bond Bank has not provided the loan documents. Ted said we need to see the contract, the start date, and the payment schedule before we decide about short-term financing. Adopt resolution accepting the terms of the CDBG grant agreement: Dick said the grant is for \$891,547. Martha said the "other resources" are \$1,587,323. Ted noted that the voters authorized the town to bond for up to \$2,100,000. Dick said the resolution indicates that the town agrees to the terms of the grant agreement and designates Martha Harrison as the person with overall administrative responsibility. **Ted moved to approve the grant agreement resolution dated 10/13/15 between the Agency of Commerce and Community Development and the Town of West Windsor. Tom seconded the motion, which passed unanimously.** Consider signing CDBG grant agreement: **Tom moved to authorize the Chair to sign the grant agreement on behalf of the Selectboard. Ted seconded the motion, which passed unanimously.** Status of CWSRF loan: Martha said the state has approved the town's request for a higher amount but it's going to take 4 to 6 weeks to process the loan through the bond bank. Martha said the town did get a small pollution abatement grant (\$28,000) for FY 2016 but we still hope to get the entire amount for which we are eligible in the future. Pump station status: Martha said, according to A+E, the Facilities Engineering Division is fine with the current status as long as the issues are addressed before there is any additional flow to the existing pump stations. Dick said he would like to hear directly from the Facilities Engineering Division.

12. Water system update – Review and discuss Preliminary Engineering Report: Ted said, if you look at net present value, Option #2 is not the cheapest although it does seem to be the better alternative. Ted said he thinks the Selectboard should walk through the report with A+E before making a decision. Tom said the Utility Advisory Committee (UAC) has strong feelings about these issues. Ted suggested a joint meeting with the UAC and A+E. Tom and Dick agreed. Ted said option #2 seems to solve the most problems. Dick said it also seems less costly to operate. Tom said we should choose an option that solves all the problems. Dick noted the Drinking Water System Capacity Evaluation survey sent to the town by Jim Siriano. Dick asked about the November 1<sup>st</sup> expiration of the temporary electrical permit for the water system. Martha said she will contact Andy Rea, the Electrical Inspector about that. Plans for securing Base Lodge for winter operations: Ted said he has talked with Dennis Lemire and he is working up a proposal. Ted said we'll need a Certificate of Insurance from Dennis. Public Service Board (PSB): Martha noted that the PSB asked the Department of Public Service to respond by October 20<sup>th</sup> to the petition for transfer of the water system. Dick said he has asked Paul Giuliani for his estimate of when the PSB might act on the petition, now that the motion to intervene has been withdrawn. If the petition is approved, Dick said, then the town can proceed with closing on the water system. Tom asked about water testing. Dick said P2 Environmental has been monitoring the system. Ted suggested closing on the water system and signing the Base Lodge option agreement at the same time.
13. Discuss Boundary Line Adjustment with Mountainside Condo Assoc.: Dick said the proposal was to swap an acre for an acre but Mountainside now wants to swap 2.3 acres for 2.3 acres so they can reconstruct the access road to make it less steep. Tom asked about access to the mountain parcel. The Selectboard discussed the possibility of accessing the mountain parcel from east of John Plaustainer's property. Ted said he is okay with swapping a larger amount of land. Tom said if Mountainside wants to alter the intersection of Deer Run Road and Ski Tow Road, they have to get approval from the Selectboard. Dick said the town would want to make sure that they're not going to do anything other than move the road. Martha said, according to Kate, the land being swapped would be withheld from the conservation easement. Dick said if MFW has approved the one for one swap, he'd rather not change the deal. Ted agreed that, if the swap would allow Mountainside to develop additional property, then it's not an equal trade. Ted said we should ask Kate if there are going to be restrictions on the land acquired by Mountainside. Tom said he doesn't want there to be any additional building. Dick agreed and suggested that we tell Kate that we prefer a one for one swap because we don't want to give up all the road frontage and we don't want to keep changing the deal with MFW. Ted and Tom agreed.
14. Town Forest title search results: Martha said she has called the title searcher several times but she has not called back. Dick said, according to Bob Farnsworth, when the Johnson and Connors parcels were conveyed, the area in yellow on the map was kept by 3H to give future access to the Town Forest. Dick added that the deed into the town conveys "all land on the east side of Kimball Farm Road." Dick said he thinks the town should proceed with moving the road off Connors land onto town land. Ted said he agrees with Dick unless we get an opinion from the title searcher indicating that the town doesn't own it. Tom agreed.
15. Mountain property acquisition update: Martha said TPL got an extension until the end of the year but they would prefer to close before the holidays.
16. Review telecommunications easement: Dick noted the change from "optimal" to "commercially satisfactory" and the addition of a dispute resolution paragraph to the

September 15<sup>th</sup> draft. Martha said the September 28<sup>th</sup> draft does not include the dispute paragraph. The Selectboard was not concerned about the omission of that paragraph.

17. Consider signing purchase & sales agreement with Trust for Public Land: Dick said he has a number of minor questions about the agreement. Dick asked if the other Selectboard members are comfortable with the language transferring an easement for the access, use and maintenance of the skier bridge. Dick said he's not sure he wants the town to be responsible for the maintenance of the bridge. Dick noted that the cash due from the town at closing is \$105,000. Tom and Ted confirmed the amount. Tom noted that the bridge leaks. Dick said he has not seen a title commitment. **Ted moved to authorize the Chair to sign the purchase and sales agreement after he has resolved any outstanding issues with the Trust for Public Land. Tom seconded the motion, which passed unanimously.** Dick noted that Paul Giuliani reviewed the agreement and made some suggestions, which Dick passed along to TPL.
18. Consider signing Base Lodge option agreement: **Ted moved to authorize the Chair to sign the Base Lodge option agreement. Tom seconded the motion, which passed unanimously.**
19. Consider signing grant agreement for local Hazard Mitigation Plan update: Martha said the town was approved for a grant for a town-specific hazard mitigation plan last spring but we didn't get the grant agreement until now. The grant is for \$11,235 with a match of \$3,745 from the town. Martha said the town is required to have a plan and update it every five years. In the past, the plan has been for our entire region, with a town-specific appendix. The grant would cover the costs associated with creating an entire plan specifically for West Windsor. **Tom moved to authorize the Chair to sign the grant agreement. Ted seconded the motion, which passed unanimously.**
20. Consider changes to sewer ordinance proposed by Utility Advisory Committee: **Ted moved to table consideration of changes to the sewer ordinance until the joint meeting with the Utility Advisory Committee. Tom seconded the motion, which passed unanimously.** Ted said he is not in favor of allowing people to opt out of connecting to the sewer system. Dick said the sewer ordinance references a Sewer Advisory Committee, not a Utility Advisory Committee. Dick noted that those who are not connected to the sewer system should not be represented on the Sewer Advisory Committee. Dick suggested bifurcating the Utility Advisory Committee so there is a water subcommittee and a sewer subcommittee.
21. Approve printer purchase for Zoning Administrator: Martha said Preston would like to have his own printer and could purchase one for less than \$100. Tom said it would be useful to have a second printer in case Martha's printer dies. **Ted moved to approve the purchase of a printer. Tom seconded the motion, which passed unanimously.**
22. Additional tree work: See item #8 above.
23. Police Report: Ted noted an increase in the # of calls over the past couple of months. Tom said he was informed that the police did not respond to an intrusion alarm at the Base Lodge. Ted said we should bring that to their attention.
24. Other Business - Highway: Dick said Mike Spackman told him that paving on Brownsville-Hartland Road will start the week of October 19<sup>th</sup>. Dick said Mike provided a positive review of Erik Boedtke's performance and suggested increasing his pay to \$18 per hour. Short-term Disability: Regarding short-term disability, Cathy said according to the old policy, the town pays 26 ¾ hours per week and uses 13 ¼ hours from the employee's banked time. Dick said the newer policy says the employee has to use all his/her personal and vacation time first. Cathy said the newer policy was never signed. Dick said the Selectboard should review the

old and new policies and decide which one makes the most sense. Ted noted the recent confusion about Martha's vacation time and asked if that was resolved. Martha said that issue was discussed in Ted's absence. Ted asked if it was resolved. Cathy said yes. Cathy asked if she should increase Erik's pay starting on Monday. The Selectboard agreed. Ted asked if we are going to have four highway employees from now on. Ted said he thinks three is enough. There was discussion about the possible retirement of one or more highway employees in the next few years. Ted suggested considering this issue further when next year's budget is discussed. Town Clerk vacation days: In the past, Cathy said, the Selectboard has paid her for her unused vacation days at the end of the year. Cathy said she has 18 days and if the Selectboard is not willing to pay her for them, she is going to have to close the office three days a week for November and December. Cathy said until a few years ago, she just forfeited her unused vacation time. Ted asked about the cost per day for Cathy's time. Tom noted that Cathy brought in \$30,000 to \$40,000 this year and doesn't get extra for her water and sewer work. Dick asked about recording fees. **Tom moved to continue the policy for this year and figure out how it impacts next year at budget time. Ted seconded the motion, which passed unanimously.**

25. Approve Minutes - September 28: **Ted moved to approve the minutes of September 28, as written. Tom seconded the motion, which passed unanimously.**

26. Adjourn – **Dick moved to adjourn at 8:35 PM. Tom seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison