

West Windsor Selectboard
Draft Minutes
October 17 & 18, 2016

Present: Dick Beatty, Tom Kenyon, Win Johnson, Bruce Boedtke, Police Chief Bill Sampson, Aaron Gonthier (Windsor on Air), Gary Burke, Marc Beaudette, Martha Harrison

- 1) Call to Order – Selectboard Chair Dick Beatty called the meeting to order at 6:30 PM.
- 2) Changes or additions to the agenda – Town/Fire Department Agreement, Vermont 100 application background, demolition of old lodge, email from Alice Mello re: school sewer issue, letter from Weathersfield Town Manager re: heavy trucks on Amsden School Road, correspondence from Gerry Tarrant re: net metering agreement, purchase of Burke’s garage
- 3) Announcements/Public Comment – Tom noted the passing of Robert Mathews.
- 4) September Police Report – Dick noted a number of false burglar alarms.
- 5) Law enforcement discussion: Chief Bill Sampson – Chief Sampson requested a copy of West Windsor’s burglar alarm ordinance and noted that false alarms divert resources that should be available to respond to actual emergencies. The Selectboard and the Chief discussed directed patrols and speed enforcement. Win noted that he has heard about people camping illegally in the Town Forest parking area at the end of Coaching Lane. Bruce said he has seen campers parked in the main parking lot across from the burned-out lodge. Bruce also noted a problem with dogs barking late into the night. Martha said the dog ordinance addresses barking. Regarding illegal camping, Chief Sampson said the police can enforce that if the town posts “no overnight parking” signs. Dick noted that camping is occasionally allowed in connection with events. The Selectboard agreed to post signs. Win suggested that the Selectboard meet with Chief Sampson twice a year. Dick said the Selectboard typically meets with the Chief in December to review the contract but they could meet again in late spring/early summer. Chief Sampson agreed. Tom noted that people tend to speed past the school in mid-morning. Tom also asked about police coverage for events held on town property by Ascutney Outdoors. Chief Sampson said town-sponsored events, like the Fourth of July, are covered in our existing contract but if a private vendor is having an event, the vendor would contract for police services. Win said Ascutney Outdoors acts as the town’s agent in offering events on the mountain property and asked if those events would be considered town events. Chief Sampson said it’s only an issue if they have to dedicate officers to the event, making them unavailable to respond to calls. Tom asked if the Windsor Police Department is going to be covering the Town of Hartland as well. Chief Sampson said Hartland is still trying to decide if they want to contract with Windsor, with the State Police, or with the Sherriff’s office.
- 6) Property tax discussion, Cunningham Bldg.: Marc Beaudette – Marc said he is thinking about making an offer on the Cunningham Building to create an art studio, a resource for cyclists, and a space for special events. Marc noted that the assessed value of the property in 2013 was \$209,100 and the taxes were \$4,107. Given that the current asking price is less than half of the 2013 assessed value, Marc suggested that the assessed value should be lowered. Marc requested a stabilized property tax rate of \$1,000 per year for ten years and provided the Selectboard with a hand-out summarizing his plans. Win suggested that Marc contact Ascutney Outdoors because they recently inspected the building and have a lot of information that could be useful to him. Win referred Marc to Laura Farrell and Steve Crihfield. Win noted that Ascutney Outdoors is planning to construct a building at some point in the future that would duplicate some of the services that Marc is thinking about providing. Win encouraged Marc to coordinate with Ascutney Outdoors. Tom said he doesn’t think the Selectboard is empowered to stabilize the

state education tax rate. Win said he would like to continue the dialogue with Marc but the Selectboard is constrained by the law. Martha said the water to the building is currently turned off and asked Marc to call her if he needs to know the current allocation. Martha suggested Jim Lyall as a potential source of information. Dick said the Selectboard appreciates Marc's interest in the building and would like to help if they can but for relief from state education property taxes, Marc would have to contact the state. Win suggested that Marc contact Orange Lake to see if they're interested in some sort of partnership.

- 7) Event Ordinance discussion & public comment – Win noted a couple of emails the Selectboard received regarding the ordinance and said he understands that abutters don't want to be blindsided by events but it could be unwieldy to send out notifications to all abutters. Dick noted one of the respondents felt that publication on the town's website was not sufficient notice of an event. Dick said he would be hesitant to suggest that the town take on the expense of notifying abutters of events. If we decide that abutters should be notified, Dick said, he thinks that should be an obligation of the applicant. Dick said, depending on where the event takes place, the notice may have to go to several hundred property owners, which can be expensive. Win said he will look at the ordinance and see whether it allows the town to require applicants to notify abutters as it is currently written. If not, Win said, we can consider an amendment. Win said the issue of enforcement was also raised and asked if, in the past, conditions placed on a permit have not been complied with. Tom noted a wedding where guests parked along the road and the constable made them move. Bruce said Act 250 requires notice to abutters. Dick said if we decide that abutters should be notified, we have to determine who is entitled to notice, who provides the notice, and in what manner. Win said we should also think about how conditions are enforced.
- 8) Request re: overflow parking for The Climb's Turkey Trot – Martha said the fitness center has been having a race on Thanksgiving Day for the past few years and would like permission to allow participants to park in the big parking lot if they run out of space. **Win moved to allow The Climb to direct overflow parking to the town's parking lot. Tom seconded the motion.** Dick said he thinks we should require a certificate of insurance. Tom said he thinks we should also check with Ascutney Outdoors to make sure they don't have an event at the same time. Win accepted the amendments to his motion. **Dick called for a vote on the amended motion, which passed unanimously.**
- 9) Town Clerk/Treasurer's Report – None
- 10) Sign Town Clerk's orders – **Win moved to sign orders at the end of the meeting. Tom seconded the motion, which passed unanimously.**
- 11) Highway Foreman's Report – **Dick moved to table this item, as well as item #12 and #13, until the Highway Foreman is present. Win seconded the motion, which passed unanimously.**
- 12) Hotel Road speed limit – see item #11
- 13) Discuss Fire Department's equipment needs – see item #11
- 14) Water project update – Tom said the booster pump building is almost done, the propane is in and the pumps are on site.
- 15) Decide whether or not to hire Manosh for Mountainside water line – Tom said Manosh did five test pits today to determine the best route. Win noted the potential sources of funding being surplus from the Drinking Water loan and capital reserves from the water fund. Win added that our accountant, John Mudgett, is behind schedule and hopes to have information about capital reserves available in the water fund by early next week. Tom said he thinks we should get the work done now. Win said he agrees as long as we have the money. Dick noted the updated project cost projections provided by Jason Booth of Aldrich + Elliott, which estimate that the

water project will come in under budget by \$64,431. Tom said there are no unknowns at this point so they should have a good handle on expenses. Win said if A+E is comfortable that we will have at least \$50,000 available, he would be willing to take the risk and proceed. If worse comes to worst, the town can loan money to the water utility at a reasonable interest rate. Tom agreed. **The Selectboard agreed, by unanimous consent, to recess on this question until tomorrow at 3:00 PM and try to get A+E and Manosh on the phone to discuss this further.**

- 16) Consider signing bond bank loan documents for water project (if available) – Not available
- 17) Consider proposal for school sewer connection repair (if available) – Martha said Jason has not been able to locate a contractor who is available to do the work. Bruce asked if there are plans available. Win said A+E is doing a revised connection plan. Bruce said once that's available, any contractor should be able to do it. Win suggested getting the plans from A+E and finding a local contractor who can do the work with A+E supervising. Dick said hiring a local contractor would eliminate the mobilization costs. Dick asked about the cost estimate. Martha said A+E estimated \$15,000. Win said the Selectboard can discuss this further when they reconvene tomorrow at 3:00 PM. Dick noted an email from Alice Mello who is concerned about how long it is taking to get the school's sewer connection repaired. Tom said he replied and got a nice email back thanking the Selectboard for their efforts to resolve the situation.
- 18) Ratify signing of CDBG-DR2 sewer grant amendment – Martha said we had \$5,000 budgeted for administrative costs and the rest of the grant funds were going toward construction but we didn't need that much for administration so the amendment is to shift about half of the administrative funds to construction. **Win moved to ratify Dick's signing of the sewer grant amendment. Tom seconded the motion, which passed unanimously.**
- 19) Adopt Rules of Procedure – **Tom moved to adopt the Rules of Procedure. Win seconded the motion, which passed unanimously.**
- 20) Adopt Conflict of Interest Policy – **Win moved to adopt the Conflict of Interest policy. Tom seconded the motion, which passed unanimously.**
- 21) Other Business – Town/Fire Department agreement: Win said he would like to find the agreement and asked Tom if Polly Ouelette might know where it is. Win said Rural Development gives loans for purchasing fire equipment at attractive interest rates but if the town is going to own it and the fire department is going to operate it, there needs to be an agreement between the two. Tom suggested looking in the Selectboard minutes from 1958. Vermont 100: There was discussion about when to consider the application for the Vermont 100. Win said, once we decide when we're going to consider it, we should announce it. Martha said people start signing up for the race in January so the event organizers would like to have the application considered as soon as possible. The Selectboard decided to consider the application on November 28. **Tom moved to change the meeting time from 8:00 AM to 6:30 PM on November 28. Win seconded the motion, which passed unanimously.** (*Note: The date for considering the VT 100 application was subsequently changed to November 7 at 6:30 PM.*) Dick said whatever decision we make about notice requirements won't apply here but he suggested that the Selectboard continue to think about the issue. Old Lodge demolition: Win said Ascutney Outdoors may have an opportunity to tear down the old lodge this fall, dispose of any hazardous material, and burn the rest, under the supervision of the fire department. Win said they would get whatever permits they need. Dick said as far as he knows, the old lodge has no value. Tom asked if Ascutney Outdoors will leave the concrete slab. Win said that was their original plan. Tom asked if there would be any expense to the town. Win said no. **Tom moved to approve the demolition. Win seconded the motion, which passed unanimously.** Bruce asked if the Selectboard can act on this, since it wasn't on the agenda. Win said according to the Rules of Procedure, items can be added to the agenda at the beginning of the meeting, under

“changes or additions.” Letter from Weathersfield Town Manager: Dick read a letter from the Town Manager of Weathersfield asking for West Windsor’s assistance in preventing overweight vehicles from using Amsden School Road as a short-cut. The Selectboard agreed to let the Highway Foreman know that highway vehicles should not use the short-cut. Mountain’s Edge pond: Tom said the Mts. Edge Condo Association may be interested in upgrading their pond to be more aesthetically pleasing.

- 22) Approve Minutes - September 22nd & 26th: **Win moved to approve the minutes of September 22nd and September 26th. Tom seconded the motion, which passed unanimously.**
- 23) Executive Session - **Tom moved to go into executive session to discuss a possible real estate purchase with Gary Burke. Win seconded the motion, which passed unanimously.** After discussion, **Win moved to come out of executive session with no action taken. Tom seconded the motion, which passed unanimously.**
- 24) Recess – **At 8:30 PM, Win moved to recess the meeting until tomorrow, October 18, at 3:00 PM and to defer signing orders until then. Tom seconded the motion, which passed unanimously.**
- 25) Reconvene – At 3:00 PM on October 18, the Selectboard reconvened the recessed meeting. Those present were: Dick Beatty, Win Johnson, Tom Kenyon, Bob Moulton (Aldrich + Elliott), Nick Manosh (by phone), Jason Booth (by phone), Martha Harrison, and Elvin Kaplan. Dick called the meeting to order.
- 26) Town Clerk’s orders – **Win moved to sign orders. Dick seconded the motion, which passed unanimously.**
- 27) Future Selectboard meetings – Win said the Selectboard’s next meeting is October 24th at 8:00 AM. The Selectboard’s first regular meeting in November will be held on the 7th at 6:30 PM and the second regular meeting will be held on November 28th at 8:00 AM. Dick said, after consulting the Event Ordinance, the Selectboard determined that they don’t have to wait 30 days to consider the VT 100 application, as long as the application is filed at least 30 days before the event. Therefore, the Selectboard agreed to consider the application on November 7th at 6:30 PM.
- 28) School sewer connection – Win said the school’s sewer plans show a hand-written notation in red with the line coming out of the addition, taking a 90° turn, then running along the side of the building and taking almost a 180° turn to connect with the old line coming out of the building before it enters the septic tank. Bob said, going forward, the town will have tie records for every service connection. Win said other than the fact that it’s an unconventional routing with very sharp angles, there’s no allegation that can be made regarding the design or installation of the septic connection for the school addition. Dick noted that Zaluzny is apparently not available to come back and do the repair for a month or so. Bob agreed and said he thinks Jason is pursuing other options, including the contractors suggested by the Selectboard. Bob said he thinks the work can be done “live” without shutting down the school and it’s possible the new line can be laid parallel.
- 29) Mountainside water line – Win asked Bob how confident he is in the latest estimate, which shows that the project could come in under budget by \$64,000. Bob said the unknowns have been substantially reduced now that all of the pipe is in the ground, except for the tie-ins. Tom said the direct route is the best route; if we run into ledge, we can berm over it. Bob and Nick agreed. Win asked if the \$75,000 estimate is looking more solid. Bob said he is feeling better about it. Bob expressed concern about the viability of the existing 3” pipe. Nick said he is ready to do the work as soon as we get the pipes; early next week. Dick asked how much work is left on the main project. Bob said they are starting to run into roadblocks with the electrical work. On November 1st and 2nd Bob said, they’re going to do a tie-over. When Jason dialed in to the

meeting, Dick asked him how comfortable he feels with the surplus shown on the most recent project cost estimate. Jason said he is reasonably comfortable given that all the subsurface unknowns have been ruled out but the project isn't done so there's still some risk. Win asked about the nature of the risk. Jason said most of the remaining work is above-ground electrical so there's not as much risk but he doesn't want to guarantee that there's going to be \$64,000 left at the end of the project. The Selectboard agreed that they would be comfortable moving forward even if the surplus were \$50,000. Jason said the \$75,000 estimate may have a little fluff in it too, just to be on the safe side. Nick asked if Manosh can use Canadian pipe. Jason said yes, as long as it meets the spec for PVC C900. Jason said any fittings would have to meet AIS standards. Bob said there are some fittings in stock. Jason requested the minutes from today's meeting. Jason said the state has already indicated that the work is eligible for funding so he will issue a field directive and, once we know the final cost, he'll do a change order to incorporate it into the project. **Win moved to proceed with replacing the water line to Mountainside as soon as possible. Tom seconded the motion, which passed unanimously.**

- 30) School sewer connection – Dick asked Jason if we can get a local contractor to do the sewer work at the school. Jason said he will talk with the contractors suggested by the town to see if they would be able to comply with the Davis-Bacon requirements. Jason said he is also waiting to hear back from All Seasons and Willey. Jason said he will provide the contractors with a sketch and description of the work and ask them for their price and availability. Win said the town is getting complaints about risk to the school children so it's important to get it done as soon as possible. Jason agreed and said Don Haddox, who represents the Facilities Engineering Division, recognizes that it's an emergency situation so the typical procurement procedures should be set aside. Tom suggested having the work done on a Saturday or Sunday. Jason said he will discuss that with the contractors.
- 31) Reimbursement request for water expenses – Dick said Cathy has asked the Selectboard to sign a reimbursement request. Martha said we haven't received the Step III loan documents from the bond bank yet so any construction costs won't be reimbursable. **Win moved to authorize the chair to sign the reimbursement request. Tom seconded the motion, which passed unanimously.** Win asked why we haven't received the loan documents yet. Martha said she was told there are new statutory requirements that the state hasn't worked into their procedure yet.
- 32) Dog complaint – Tom said he got a complaint about a dog on Coon Club Road and will send a letter to the dog's owner.
- 33) Adjourn – **Win moved to adjourn at 3:50 PM. Tom seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison