

West Windsor Selectboard
Draft Minutes
October 26, 2015

Present: Dick Beatty, Tom Kenyon, Ted Siegler, Cathy Archibald, Mike Spackman, Laura Farrell, Gretel Schuck, Vicky Jones, Steve Zaluzny, Martha Harrison

1. Call to Order – Dick Beatty called the meeting to order at 8:00 AM.
2. Changes or additions to the agenda – budget schedule
3. Plowing of ski area parking lot: Laura Farrell – Laura asked if the town would be willing to plow a larger portion of the day skier parking lot this winter. Once the rope tow is in place, Laura said, Mt. Ascutney Outdoors (MAO) is hoping to be open Friday from noon until 4:00 PM, and Saturday, Sunday and holidays from 10:00 AM until 4:00 PM. Mike said he currently plows a large area on the east end for the helicopter landing pad and a smaller area at the west end that can accommodate between 25 and 50 cars. The Selectboard agreed to plow a larger area on the west end. Laura also asked if she can meet with the town's insurance representative again to make sure both the town and MAO are covered. The Selectboard agreed.
4. Sign Town Clerk's orders – moved to end
5. Town Clerk/Treasurer's Report – moved to end
6. Announcements/Public Comment – None
7. Shattuck Hill drainage issue: Gretel Schuck – Gretel asked why she is responsible for the town's road drainage. Gretel added that a precedent has been set; in the past, the town has always taken care of cleaning the ditch on her property, which has prevented the culvert from getting clogged. Mike said the highway department stopped cleaning out the ditch about six years ago because the ditch is not in the town highway right-of-way. Mike said at this point the culvert is completely clogged and would have to be dug up and replaced. Mike said if the property owner regularly cleans out the culvert on the discharge end, it won't get clogged. Gretel said the culvert was originally installed by the highway department about 20 years ago. Mike said back then the town supplied a used pipe. Ted suggested meeting Gretel halfway and asked Mike if he has any extra pipe. Mike said he doesn't have any used pipe available. Mike estimated the cost of a new 24" pipe, 40 feet long, at \$800. Mike said the excavator would probably take 4 hours at \$140 per hour. Tom suggested that Gretel purchase the culvert and that the town install it. Gretel said the ditch needs to be maintained. Tom said the ditch is stone-lined now. Mike said he might be able to do the work this year, depending on when the ground freezes. Gretel agreed to provide the culvert if the town will install it. Mike suggested drafting a contract between the town and Gretel. The Selectboard agreed. **Ted moved to draw up a contract between the town and Gretel Schuck for Gretel to purchase the correct size culvert and the town to do the ditch from the town ROW to the driveway and install the culvert and it will be Gretel's responsibility to maintain the culvert after that. Tom seconded the motion, which passed unanimously.** Ted suggested a Letter of Agreement. Gretel agreed. Gretel said she doesn't know where to get a pipe. Ted said Mike can get the pipe and the town can send Gretel a bill. Mike and Gretel agreed.
8. Staging area for sewer contractor – Tom noted the presence of Steve Zaluzny, the contractor for the village sewer project, and said Steve is looking for a staging area. Tom noted that the owner of the lot west of the Post Office wants it restored to its original condition following the project and that could be costly. Tom said he's concerned about the ski area parking lot because we don't own it yet. Steve said he has looked at Gary Burke's old garage and it would be tight but it might work. Steve said he also looked at the Cunningham parking lot, which has enough room. Dick noted that the town's lease on that property has expired. Ted said Steve would have to approach the property owner directly. Mike noted Duncan Brettell's property as a possibility. Martha said the Brettell property is partly in the floodplain. Steve said he will try to work something out with the owner of the Cunningham property.

9. Town Forest title search results – see item #10
10. Access to Town Forest from Kimball Farm Road – Vicky Jones said the original warranty deed for her family’s property, dated June 24, 1976, has the metes and bounds that Farnsworth used in creating the map showing the southern boundary of the Johnson property. Vicky said that same deed says, “Also conveying by quitclaim only any right which Grantor may have in and to the lands and premises located between the described parcel and town road #41.” Vicky added that, according to her lawyer, the tax maps have included the disputed area since it was conveyed as 17.2 acres in 1976. Dick asked about the conclusion drawn by her title searcher. Vicky said she did not talk to the title searcher; she talked to the lawyer who hired him. Dick said there’s obviously a difference of opinion because the town has a deed conveying all of the property on the east side of Kimball Farm Road. Vicky said that deed was dated 1979. Dick said the deed from 3H to the Johnson’s does not describe the disputed area. Dick said we’ll have to let the lawyers resolve this because the town has been using the area for quite some time. Dick asked Vicky if her family installed the gate. Vicky said no; but in 1976 Bud Blood rebuilt the road for her father. Vicky said she has not seen a town truck on that property in the last 10 years. Vicky said her family has not granted permission for STAB or anyone else to use it. Vicky said it’s an understanding of Vermont land owners that people can walk through their fields but that’s the only understanding they have. Vicky said the town was grossly mistaken in 1995 when Farnsworth did the survey; her lawyer says it’s a defective map. Dick said if we have to go to court to figure it out, then that’s what we’ll do. Dick said it wouldn’t have made sense for Vicky’s mother to have given the town an easement over the small triangle of land between the disputed area and the Town Forest if the town didn’t own the disputed area because the purpose of the easement was to provide access from Kimball Farm Road to the Town Forest. Vicky repeated her claim that the town has no ownership rights to the land in question. Vicky asked who did the title search for the town. Martha said Jill Markert did the search. Vicky asked which document ties the land to the town. Martha said the title searcher did not offer an opinion, she just provided the documents. Ted noted that the town had its attorney, Matthew Birmingham, look at the deeds. Dick said the deed conveys all the land on the east side of Kimball Farm Road. Dick said the deed is similar to the Johnson deed, without any metes and bounds. Dick said when there are conflicting claims, the court decides. Vicky said the town has no right to make any alterations to the land. Dick said the Selectboard understands Vicky’s position.
11. Highway Foreman’s report – Mike said the sand pile is almost finished, the highway crew is cleaning ditches with the blower, and Mike is going to meet with Martha this week to finalize grant work. Mike said the black top work was done, except for the lines, on Thursday and Friday. Mike said he hopes the lines will be painted before winter but that will depend on weather. Mike said next year we’re supposed to know by April 15th whether or not we’re getting a paving or structures grant. Mike said at the Road Foreman’s meeting, he expressed concern about the fact that West Windsor has not received a paving grant for ten years. There was discussion about the need to maintain Brownsville-Hartland Road, with or without grant funding, and the shifting of costs from the state to the towns. Ted asked Martha to draft a Letter of Agreement between the town and Gretel Schuck and circulate it to Mike and the Selectboard for review before sending.
12. Village sewer project update - Sign contract amendments with Aldrich + Elliott: Martha said VCDP has specific requirements related to the town’s contracts with A+E and they want an opinion from our attorney that our contracts meet their requirements. To meet the requirement that the contracts reference the grant agreement, A+E drafted amendments to our Step II (design) and Step III (construction) contracts. Martha said the amendments are non-monetary; they just specifically incorporate the grant agreement by reference. **Ted moved to authorize the chair to sign the two contract amendments, dated September 24, 2015, to Project #14020 and #15039. Tom seconded the motion, which passed unanimously.** Martha said she has sent all the information to Matt Birmingham with a request that he provide the required opinion. Grant reporting requirements: Martha said there are a number of other requirements included in the grant agreement and the various attachments to it. These requirements, in turn, reference the 100+ page Grants Management Guide

and the 100+ page Agency Procedures Manual. Martha said the requirements address: quarterly and annual reports, collateralization agreements, accounting records, bonding requirements, audit requirements, and so on. Because of these requirements, Martha said, it would be helpful for her, and it would make it easier on Cathy, if there were some way for her to directly access financial information. Martha said she does not need or want the ability to change any information; she just needs access to it. Ted said we don't need a server; all we need to do is create a dropbox account, which costs less than \$100. Ted said whenever Cathy makes changes, she would just save the file to the dropbox. Martha asked if it's secure. Ted said yes; DSM has been using it for years. Ted said the ability to make changes, or not, depends on the type of accounting software being used. Ted said if Martha runs into problems, the town can get someone to come in and help out. Ted said once dropbox is set up on both computers, it will automatically save to both the individual computers and the "server" and the most recent version of the file will always be on dropbox.

13. Water system/Base Lodge option agreement discussion – Dick said he has asked Paul Giuliani for an update on where we stand with the Public Service Board (PSB) but he has not received a response. Dick said Snowdance is now intertwining the Base Lodge option agreement with the deal to purchase the water system. Dick said he has talked to Glenn Seward and Paul Giuliani and, while it may have been discussed, the town never signed an agreement to purchase the water system for 85% of receivables. Dick said the signed Asset Purchase Agreement for the water system has a purchase price of \$1 and approximately \$2,300 in payables. Dick said Snowdance now wants \$50,000 to sign the Base Lodge option agreement. Dick said he will respond by noting the existing signed APA with a \$1 purchase price and the need for improvements to the water system that will cost in excess of \$300,000, as specified in the Preliminary Engineering Report from Aldrich + Elliott. Dick said he thinks Snowdance is already aware of the proposed improvements and associated costs because they have a representative on the Utility Advisory Committee (UAC). **Ted moved to go into Executive Session to discuss the water system, base lodge, and mountain property purchase agreements, as well as the dispute regarding access to the Town Forest. Tom seconded the motion, which passed unanimously.** After discussion, **Ted moved to come out of Executive Session. Dick seconded the motion, which passed unanimously. Ted moved to authorize Martha to contact Paul Gillies for a formal written opinion concerning the Kimball Farm access. Tom seconded the motion, which passed unanimously.** Dick said he will let Matt know that we're going to contact Paul Gillies.
14. Repairs to snowmaking/firefighting system – Martha said the UAC has expressed concerns about firefighting capacity at the resort. Mike said after Irene, the town lost all of the firefighting capacity provided by Mill Brook, via the snowmaking system. Mike said it's his understanding that the snowmaking/firefighting system was the town's back up drinking water supply. Ted said he believes the town is acquiring the snowmaking system as part of the purchase of the ski area. Martha said she thinks it's part of the water system. Mike agreed. Mike described the snowmaking system and said the town doesn't know whether the pumps in Snowstorm I are working because there hasn't been power since Irene. Mike said the pipe underneath the skier bridge to the valve house is probably okay but there are holes in the line to Mountain's Edge and the condition of the pipe to Mountainside is unknown. Ted asked if the water in the three drinking water storage tanks is adequate for firefighting. Mike said there's 120,000 gallons of water up there and the fire department can pump 1,000 gallons per minute. Ted asked about using the ponds at the resort for firefighting. Mike said access to the ponds is not easy. Mike said you can use the square footage of the Windham Building, for example, to figure out the gallons per minute needed for firefighting. Mike said the fire department needs the snowmaking system to be operational at least up to the valve house. Ted said we'll have to get an estimate from A+E and include the costs in the bond vote. Tom said the transformer is \$35,000 to \$40,000. Pre-Irene, Tom said, two of the three pumps were in good shape and one was not. Ted asked about grant funding. Martha said there might be hazard mitigation funding available. There was discussion about how to evaluate the condition of the system. Ted asked Martha to ask A+E to take a look at it and give us some options. Tom said we don't need to pump water to the top of the mountain

any more. Mike agreed that we only need to pump it as far as the valve house so we may be able to run one volume pump rather than three pressure pumps. Dick asked how the fire department would fight a fire in the hotel right now. Mike said they would have to hand lay lines down to the brook and use trucks on this side of the brook to pump water up there. Ted asked if Orange Lake has ever raised this issue. Mike said yes.

15. Mountain property acquisition update – This item was discussed in executive session.
16. Review Bicycle & Pedestrian Master Plan – The Selectboard agreed to put this item on the agenda for their November 23rd meeting. Ted said he thinks the plan should recommend painting a bicycle & pedestrian lane on the east side of Brownsville-Hartland Road between the Town Hall and the school; moving the center of Route 44 between Seems Road and the Post Office to allow for bicycle lanes on both sides; and lowering the speed limit in the village to allow for a crosswalk. Ted said if those are the recommendations then he thinks it's a decent plan. Ted noted a number of speeding tickets issued in town recently.
17. Other Business – Base Lodge work: After noting the town's plans to secure the Base Lodge for the winter, Martha asked about cleaning out the debris. The Selectboard was not inclined to clean out the debris but agreed to look at it again after the roof work is done. Mt. Ascutney Outdoors: Dick asked about MAO's plans to contact Dig Safe before installing poles for the rope tow to address the concerns of our water operator. Tom said he talked to Laura Farrell and she is going to contact Dig Safe. Martha said Laura also planned to walk the rope tow route with Dennis Brown this past weekend. Martha said she gave Laura a map of the water system. Mike said a company called On Target uses a machine to detect what's in the ground. Dick said if Dig Safe won't locate the water pipes for free, MAO should hire On Target to locate them. Tom agreed. Ted agreed as long as it's not too expensive. Dick asked Martha to contact Laura Farrell.
18. Tree Warden update – Tom said they took down a bunch more trees, including the one in front of the Town Hall.
19. Correspondence from Sherry Barbour re: Post Office sewer connection – Dick said the Sewer Ordinance says that, for non-residential uses, the number of equivalent users is calculated by dividing the user's daily flow, as determined using the Vermont EPR flow tables, by 200 gpd. Dick said the Post Office has a toilet and a sink and someone is there from 8:00 AM until 5:00 PM. Ted said it's an equivalent unit. The Selectboard agreed that they have to go by the ordinance.
20. Discuss Hale property closing – Martha said the property owner stopped in again the other day to inquire about our progress. Ted asked what the Town Attorney has to do. Martha said he has to prepare the closing documents. Tom said this needs to be expedited. Dick said he will contact Matt and ask him to put it at the top of his list. Ted said we don't have to tear the building down this fall; we just have to do the closing. Martha agreed and added that the project is 100% grant funded.
21. Discuss policy regarding vacation pay – Dick said he doesn't think we have a policy. Ted agreed that we don't and said we need to have one. Tom said he thought the Selectboard agreed to take this matter up during budget time. Ted said we don't have a policy and Cathy is asking us to pay her for 18 days of vacation. Ted asked if doing that establishes a policy and wondered about the implications for the highway department and town administrator. Cathy said she doesn't fall under the "Employment Policy." Dick said we need a policy that covers both elected and appointed officials and employees. Dick said our existing employment policy specifies that no more than five vacation days may be carried over in one calendar year, but the rest of it seems to be geared toward the highway department. Dick asked if we can get a model policy from the Vermont League of Cities and Towns (VLCT). Martha agreed to contact VLCT. Cathy said she's happy to take her vacation time but she's going to have to close the office three days a week for the rest of the year. Cathy said she was paid for her vacation time for the past two years because she didn't have help and now she doesn't have help again. Cathy said next year is not going to be any better. Dick asked Cathy if she has recorded a deed from MFW to Snowdance for the Base Lodge. Cathy said yes; it just came in. Ted said vacation pay is an additional source of income; he doesn't pay his employees if they don't take their vacation time. Ted said if we do it for Cathy, do we have to do it for all town employees.

Ted said he doesn't want to create a de facto policy. Ted agreed that Martha should contact VLCT. Mike said the town should find out if there's a difference between elected and hired people. Dick said if there are different policies, we should know what they are and act accordingly. Tom said he'd like to have a policy in place by January 1, 2016. Ted said he's fine with that. Mike said a lot of the town's policies need to be reviewed, including the short-term disability policy.

22. Sign Town Clerk's orders – **Tom moved to sign orders. The motion passed unanimously.**
23. Town Clerk/Treasurer's Report – Cathy had health insurance forms for the Selectboard to sign.
24. Budget schedule - Tom said the Selectboard normally tries to figure out when they're going to do budgeting but he doesn't know Ted and Dick's schedules. Tom said Cathy usually provides a printout after November, showing budget v. actual. Ted said the Selectboard then reviews it line by line and decides where to make adjustments. Tom said he doesn't know of any big capital expenses. Ted asked if the town is replacing any trucks or equipment in 2016. Mike said no. Tom said he thinks the Town Hall roof work is still going to be done this year. Tom noted that the balcony railing work has not been done yet.
25. Approve Minutes: October 13 – **Tom moved to approve the minutes of October 13, as written. Ted seconded the motion, which passed unanimously.**
26. Adjourn – **The Selectboard adjourned by consensus at 10:20 AM.**

Respectfully submitted,

Martha Harrison