

West Windsor Selectboard  
Draft Minutes  
September 14, 2015

Present: Dick Beatty, Tom Kenyon, Cathy Archibald, Bruce Boedtger, Mike Spackman, John Barth, Vicky Jones, Martha Harrison

1. Site visit – Dick Beatty and Tom Kenyon met with Gretel Schuck at 325 Shattuck Hill Road at 6:00 PM.
2. Call to Order – Following the site visit, Dick and Tom returned to the Town Hall and Dick called the meeting to order at 6:34 PM.
3. Changes or additions to the agenda – Fourth of July committee, remove #19 from agenda, defer action on minutes of August 10 & 20, Nilson property, Axten insurance claim
4. Sign Town Clerk's orders – **Tom moved to sign orders. Dick seconded the motion, which passed unanimously.**
5. Town Clerk/Treasurer's Report – Cemetery deed: Cathy had a cemetery deed for four lots for Johnnie and Vicky Jones. **Tom moved to approve the deed. Dick seconded the motion, which passed unanimously.** Nilson: Cathy asked if the town is absorbing the \$125 withholding tax. Dick said his recollection is that the Selectboard agreed to pay \$5,000 for the property and up to \$500 for the seller's expenses. Cathy said there are taxes due of \$163.83, \$75.50 to the state of VT, \$125 to the state of VT, and recording fees. Dick said he saw a bill for \$385. Cathy said she has not received that bill. Cathy asked where the \$5,000 is coming from. Tom said the \$5,000 and the \$500 in expenses should come out of the reserve fund. Tom suggested asking the snowmobile club to pay for their license to use the property to help cover the expenses. Cady & Dugan bill: Cathy asked if the bill should be paid from the sewer account or the town account. Dick said he thought there was going to be an additional expense related to the MFW easement. Martha said MFW does not want to sign the easement until the town signs a letter of agreement confirming our understanding that we will cover the expenses associated with their review of the easement, but we don't want to sign the agreement until we know what the expenses are. Cathy said she will hold the bill for now.
6. Announcements/Public Comment – None
7. Discuss Shattuck Hill drainage issue – Dick said he visited the site with Mike Spackman and Gretel Schuck this afternoon, and with Tom and Gretel this evening. Dick said one suggestion was that the town place some rip rap and that Gretel has the culvert cleaned out. Dick suggested tabling this issue until the next meeting. Tom agreed. Tom said there doesn't seem to be a problem on the east side of the road.
8. Highway Foreman's Report – Mike said the second mowing is done except for Silver Hill and Cowshed Trail. Mike said he met with Dan Lesnick to discuss snowplowing at the Mountainside Condos. Mike said, in his opinion, the town should just plow to the top of the road, turn around, and come back down, not plowing any of the parking areas. Dick said Deer Run Road may not become a town road after all; the condo association has apparently had a change of opinion. Mike asked about plowing the access to the Base Lodge so our water system operator can get to the building. Dick and Tom agreed. Tom said the water system users should cover the cost of plowing that access road. Mike asked about plowing the access to pump station #1. Mike said if the town is going to plow these access roads, they should be maintained so the equipment isn't ruined. Mike said the road to the Base Lodge is

horrendous. Tom asked about the Utility Advisory Committee's position. Mike said the sewer committee has been paying for the upgrade and plowing of the access road to the pump station and asked if that practice is going to continue. Dick said he sees no reason for that to change; plowing the access road to the pump station would continue to be an expense of the sewer users, and plowing the Base Lodge access road would be an expense of the water users, billed to the town as receiver for the water system. Better Backroads: Mike said the Better Backroads project on Knob Hill was completed today and the Rush Meadow project will be started this week. Dick noted that he and Mike met near the Connors property off Kimball Farm Road and determined that the trail can be re-located onto town property without having to cross the river. Tom asked if we need a survey showing where the trail will be. Dick said he thinks the town should have Bob Farnsworth plot the trail once it has been relocated so there won't be any problem with the imposition of the conservation easement. Mike suggested a fence to make sure people don't go onto the Connors property after the trail is moved. Martha said Kate is still looking for some clarity. Dick said we just need to show that the town owns, or has a right-of-way over, the portion of the property the trail is on. Tom asked if we are going to re-locate the trail this fall. Dick suggested doing it before TPL closes on the purchase of the property. Vicky Jones asked if the property being discussed is between her property and the Connors property. Tom said the town got an easement from Vicky's mother, Marie Johnson. Vicky said it's her understanding that there is no easement. Vicky looked at the map. Vicky said, according to her brother who is an attorney, her family owns the property in question, including the road. Vicky asked for a copy of the easement. Tom said you can't just look at the original deed because there were subsequent actions. Dick said he was under the impression, based on the Farnsworth survey, that the town owned the property or had an easement for the trail. Vicky said her mother may have allowed the town to use the property as an access for logging but she does not believe she ever gave the town any kind of legal easement. Dick said the town will have to have the title searched and asked Martha to contact Paul Donohue. Trees: Tom said he's going to have some trees removed at the resort tomorrow.

9. Correspondence: John Barth – John said on August 28, the highway department graded Bible Hill Road and took off the sides of the road. John said he is concerned that gravel is going to wash off the road onto his property and he's going to have to clean it up. Tom noted that this situation is similar to the situation at Gretel Schuck's place and he thinks the Selectboard should research it before taking any action. Mike said the grading was done according to basic road standards and management practice. Dick said we've had some severe rain storms since the work was done. John said he hasn't had a problem because the mixture on the road is not gravel anymore. Mike said there should be complete disbursement into the grass, with no channeling. John asked to be notified of the Selectboard's decision when they make one.
10. Survey of Bridge #6 – Tom said there's a survey of the land that goes with the bridge but it may not be an issue anymore if the Phillips-Vegh property owners are going to sign the sewer easement. Martha said she's waiting to hear from the attorney for Phillips and Vegh.
11. Village sewer project update – Act 250 permit: Martha said the town got an Act 250 permit for the project today but it is subject to the same conditions as the approval from the Facilities Engineering Division, which include getting all the easements signed and resolving the issues associated with pump station #1 and #2. Pump stations: Martha said Joe Duncan and Nate Pion are going to summarize the electrical outage information and emergency response procedure for the pump stations and get comments from Tom Marsh and Jeff McDonald. Easements: Martha said she has not seen a response to the letter the town sent to

the Barbour's. Martha said the situation with MFW was discussed earlier in the meeting but noted that she received an email from Dan Purjes saying that he was going to check on the fees with Krebs & Lansing. Tom said Leigh Sykes has not signed the sewer easement. Tom said he heard that the property was being sold but Leigh has not returned his calls. Tom said he will keep trying to contact Leigh. Martha said there's no news on the Orange Lake easement. Martha said Trace Landino asked about the cost of a future sewer connection for their barn, but they did sign their easement so she's not sure if they're still concerned about that. Tom said the town agreed to put a stub in but any costs associated with getting the effluent to the pipe is their expense.

12. Water system update – Dick said item #12 and #13 are related. Dick said he is prepared to sign the MOU regarding the water system, so Mountainside will withdraw their petition to intervene. Dick noted that the town has already asked Paul Giuliani to move this forward with the Public Service Board. Martha noted that the MOU still references Deer Run Road. Dick said he asked to have that removed but it doesn't really make a difference to him. Dick asked Martha to get a clean copy from Matt.
13. Discuss MOU with Mountainside re: water system – see item #12 above
14. Discuss MOU with Mountainside re: Deer Run Road – Dick said the condo association now wants to release the covenant and maintain the road as a private road. Dick said it was his understanding that there was also going to be a land swap so that the road and Mountainside's parking area and leach field would all be on Mountainside's property but everything seems to be in flux. Martha said she got a message from Kate earlier this evening indicating that the Trust for Public Land and the Upper Valley Land Trust would prefer to proceed with a boundary line adjustment. Dick said the land swap would seem to be the best option. Tom agreed.
15. Mountain property acquisition update – Dick said the four-lot subdivision has been approved by the Development Review Board and signed by the Chair on September 9<sup>th</sup>. Dick noted that there is a 30-day appeal period. Tom said the exploration on the maintenance shed lot commenced today. Dick said Kate and TPL's attorney are going to approach Chris Dugan about revising the language in the telecommunications easement, which will be part of the option agreement between TPL and MFW. Martha noted an email from Kate indicating that the amended option agreement has been signed by MFW. Dick said he is primarily concerned with the language in the telecommunications easement because the town may not want the maintenance shed parcel if the language is not acceptable. Dick was concerned about Mark Blundell of Snowdance LLC removing MFW from the option agreement for the Base Lodge since it appears that MFW is still the owner of the property. Dick noted that the Base Lodge is not part of TPL's option agreement with MFW. Dick said the town is trying to negotiate an option to buy the Base Lodge property if we can get funding to remediate any contamination and raze the building. Tom noted that we still need access to the water system components in the Base Lodge. Dick noted an upcoming water system inspection by the state.
16. Consider signing purchase & sales agreement with Trust for Public Land – Dick said he reviewed the agreement with Paul Giuliani and has shared Paul's comments with Kate. Martha said Kate forwarded the comments to TPL's attorney but they have not had time to incorporate them into the agreement yet. **Tom moved to table signing the agreement until the next meeting. Dick seconded the motion, which passed unanimously.**

17. Discuss MOU with Mt. Ascutney Outdoors – Dick said at a previous meeting the Selectboard agreed to consider this MOU later in the fall. **Tom moved to table discussion of the MOU with Mt. Ascutney Outdoors. Dick seconded the motion, which passed unanimously.**
18. Ski trail clearing update – Martha said the Vermont 50 sent their insurance information to the town and the town's insurance company reviewed and approved it. Martha said it's her understanding that they were also going to name MFW as an additional insured.
19. Appoint Mary L. Blood Library Trustees – Dick noted that this item was considered and acted on at a previous meeting.
20. Other Business – Axten insurance claim: Martha said the town's insurance company has determined that the town was not negligent and has requested the town's approval to send a letter to that effect to the claimant. Dick said since we are expecting the costs to be less than the deductible, he is not in favor of sending a letter. Tom agreed. Fourth of July: Tom said there are several people interested in forming a committee that would fully comply with the open meeting law. Dick said he recalls that the Selectboard decided to get an opinion from the town attorney and/or the VT League of Cities and Towns as to whether the Fourth of July Committee is required to comply with the open meeting law. Dick said he would like to wait for that opinion and take up this issue at the next meeting.
21. Approve Minutes: July 28, July 30, August 24 & September 4: **Tom moved to approve the minutes of July 28, July 30, August 24 & September 4 as written. Dick seconded the motion, which passed unanimously.** August 10 & August 20: The Selectboard deferred consideration of the minutes of August 10<sup>th</sup> and August 20<sup>th</sup>.
22. Adjourn – **Dick moved to adjourn at 7:45 PM. Tom seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison