

West Windsor Selectboard  
Draft Minutes  
September 18, 2015

Present: Dick Beatty, Tom Kenyon, Cathy Archibald, Martha Harrison

1. Call to Order – Selectboard Chair Dick Beatty called the meeting to order at 8:00 AM.
2. Changes or additions to the agenda – Nilson property, Cunningham parking lot, vacation days, survey boundary marking
3. Sign Town Clerk’s orders – **Tom moved to sign orders. Dick seconded the motion, which passed unanimously.** Tom said trees have been removed on Ski Tow, Skyhawk, Hammond Hill, and Blood Hill. Today, Tom said, they’re going to work on Rush Meadow Road.
4. Announcements/Public Comment – None
5. Village sewer project update - Review status of easements: Martha had drawings from Nate Pion (Aldrich + Elliott) moving the sewer main to the south side of Route 44 and running across the Smith property. Martha said the Smiths are okay with the idea, conceptually, but would like to see the drawing. Dick noted that the re-route would eliminate the issue the town has with the Phillips-Vegh property owners. Dick added that the engineers anticipate a slightly lower cost associated with the re-route. Martha said she thinks the lower cost is due to the elimination of the Phillips connection. Dick noted that, in order for the owners of the Phillips-Vegh property to connect in the future, they would have to go under the road, at their own expense. Tom said the property owners won’t sign the easement. Dick noted that West Windsor’s sewer ordinance requires them to hook up. Martha said they’ll have to pay the annual fee whether they’re hooked up or not and, if their existing system fails, then they’ll have to hook up at their expense. Cathy said they’ll probably refuse to pay the annual fee. Martha said it would just go as a lien on the property. Martha suggested one last communication giving them until noon on Monday to sign the easement before we give our engineers the go-ahead to re-design the system. Dick agreed and said the property owners should be aware that it’s going to cost them a lot of money to connect in the future and they’re going to have to pay the annual fee regardless. Dick asked about the annual sewer fee. Cathy said it’s currently \$865 per year. Tom noted that the oak tree on the southeast side of Bridge #6 can remain. Regarding the Barbour connection, Tom said it’s one lot with two buildings on it and the buildings share a septic tank. There was discussion about the number of “equivalent users” on the Barbour property. Dick said we have to apply the criteria regarding equivalent users consistently. Regarding the Landino property, Dick said if they just have a washer and dryer in the barn, that would not constitute an additional equivalent user but if they were to convert the barn to living space, it would. Dick said we should find out what the state criteria are. Regarding the Sykes property, Tom said he has not been able to reach Leigh Sykes but he will keep trying. Tom said it’s his understanding that the Sykes property is under contract. Dick asked where we are with regard to Orange Lake and noted that we can’t start the project until all the easements are signed. Consider signing Letter of Agreement with MFW Associates: Dick said signing the letter should clear the way for MFW to sign the sewer easement. Cathy noted that she will pay the two invoices referenced in the letter: \$142.50 to Krebs & Lansing, and \$1,042.50 to Cady & Dugan. Dick asked Martha to email the signed letter to MFW, along with a copy of the sewer easement and the two checks. Landino: Martha said Trace Landino stopped in and said she understands that she will have to pay the costs associated with having her barn connected to the sewer system but she

doesn't want to be charged an application/connection fee. Dick said, according to the engineers, she will not have to pay an additional user fee for the connection unless the barn becomes habitable living quarters. Dick said he doesn't have a problem waiving the application fee as long as she understands that she is responsible for the hookup. Tom noted that the town retains the right to inspect the connection. Martha said she'll write a letter to the Landinos.

6. Consider signing MOU with Mountainside re: water system – Dick asked Martha to email a copy of the MOU to Paul Giuliani so he can file it with the Public Service Board. Dick said there is ongoing discussion about a land swap with Mountainside. Tom said he and Ted are in favor of it. Dick said he is also in favor of it. Regarding permits, Martha said we would need an Act 250 permit but not a water/wastewater permit. Dick said Kate Wanner is of the opinion that the boundary line adjustment can be done at the time the Trust for Public Land (TPL) acquires the property, before they impose the conservation easement and transfer the property to the town. Dick said a boundary adjustment should be fairly simple if there are no encumbrances on the property. Martha said they should show their parking area and their septic system on their survey. Dick said, since the Selectboard is unanimously in favor of an acre-for-acre land swap with Mountainside, we should instruct our attorney to proceed accordingly. Martha said there is a 15-day appeal period on a permit for a boundary line adjustment but it's not clear to her if it becomes a legal lot when the appeal period passes or when the Mylar is recorded. Martha said she suggested to Kate Wanner that she consult with an attorney on that. Dick said as long as we can get Act 250 approval, we should be able to prepare the documents and close on them at the same time the land is transferred but we do need to have it surveyed. Martha said she will let Matt know that we need Mountainside to get a survey to us as soon as possible. Dick noted that he and Tom signed the MOU for the water system.
7. Mountain property acquisition - Town Forest & Ski Area property boundary issues: Dick said this has to do with imposing the conservation easement on the property we are acquiring as well as the property we already own. Dick said one of the issues has to do with the trail that crosses the Connors property. Dick said Vicky Jones was present at the Selectboard meeting on Monday and said that her family owns the portion of the property shown on the map in yellow. Dick said a title search shows that the southern boundary of the Johnson property is where the town thought it was; the Johnsons don't own the property in question. Dick noted that the town also confirmed the north boundary of the Connors property, and Ms. Connors does not own the property in question although the trail does encroach on her property for a short distance. Dick said, having determined that neither neighbor owns the property, we need to confirm that the town owns it but we don't have to worry about offending either neighbor by moving the trail onto the portion shown in yellow before the closing with TPL. Dick said the deed transferring the property to the town references a survey but the survey was not recorded. Dick and Tom agreed that Mike Spackman and Dan Lesnick can proceed with moving the trail. Dick said there should be a fence blocking the old trail that encroaches on the Connors property. Regarding the marking of the boundary of the Town Forest and the boundary of the property to be acquired from TPL, Dick said he doesn't understand why the town should be responsible for it. Martha said the town hired Bob Farnsworth to survey and mark the existing town forest and she thought it was clear at the last meeting that he was going to do that. Dick noted that Bob gave Kate Wanner an estimate of \$8,700 to mark the boundary of the property to be acquired by TPL and transferred to the town. Martha said she thinks it may be a communication problem between Bob, Kate and

John Roe. Martha said, according to John, there are only three pins on the parking area and that doesn't count as a perimeter survey. Martha said we should get more information from John about his concerns. Martha added that Bob may not be finished yet. Discuss telecommunications easement on maintenance shed parcel: Dick said he is fine with the draft easement provided by Kate yesterday, which includes the language that he had suggested and removes the language added by Chris Dugan. Tom noted that the test borings on the maintenance shed parcel have been completed.

8. Application for highway access on Cowshed Trail: Peter & Melanie Gale – Martha said Mike does not have a problem with the access on Cowshed Trail. **Tom moved to grant initial approval to Peter and Melanie Gale for a highway access off Cowshed Trail as indicated on their application, contingent on the elimination of the previously approved access on Cemetery Road. Dick seconded the motion, which passed unanimously.**
9. Other Business – Vacation days: Cathy gave Tom and Dick a copy of the employment policy and said she mistakenly gave Martha and Gary an extra day for the past couple of years but they should only have 15 days this year. The policy gives employees “one additional day per year for every one year of service past five years.” Cathy said Martha and Gary had both completed five years of service in 2010. Martha said, as she noted in an email to the Selectboard, this issue was discussed in 2010 and she recalls the Selectboard agreeing to give employees the additional day during the fifth year of service but she can't find the discussion in the minutes. Tom said the policy is the policy. Martha said she finished five years of service in August of 2010 so her sixth year was from August 2010 to July of 2011. Because everyone was hired in different months, Martha said, the Selectboard at the time decided that the additional day should be given in the year that the employee completes five years of service. Cathy said she is going by the year, not the month; she increases the number of vacation days by one on January 1<sup>st</sup> of each year. Dick agreed that the policy should prevail if there are no minutes indicating that it was changed. Nilson: Cathy said the expenses associated with the acquisition of the Nilson property exceeded the amount approved by \$371.13. Tom said he is going to ask the snowmobile club to make a contribution in that amount in exchange for a license to use the property. Cunningham: Tom said the trailers will be out of there by the end of the day to make room for the use of the property by the Vermont 50. Tree cutting: Tom said he would like one more day of tree cutting on Monday. Dick asked if it's in the budget. Tom said this is one of the line items we spend if we think it's proper to spend. Tom said we have spent about \$8,000 so far and it will cost another \$1,000 for an additional day. Dick said that's fine if we have the money in the budget. Taxes on leased property: Cathy said the town has to pay taxes on the 450 acres we are leasing from MFW Associates. Cathy said the taxes on the leased portion of the mountain property are \$11,600; the taxes on the remaining unleased portion of the mountain property will be due from MFW. Tom and Dick agreed.
10. Adjourn – **Tom moved to adjourn at 9:10 AM. Dick seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison