

West Windsor Selectboard  
Draft Minutes  
September 28, 2015

Present: Dick Beatty, Tom Kenyon, Ted Siegler, Cathy Archibald, Cathy Boedtke, Mike Spackman, Nate Stearns, Jim Curry, Vicky Jones, Martha Harrison

1. Call to Order – Dick Beatty called the meeting to order at 8:00 AM.
2. Changes or additions to the agenda – None
3. Sign Town Clerk's orders – **Tom moved to sign orders. Dick seconded the motion, which passed unanimously.**
4. Town Clerk/Treasurer's Report –None
5. Announcements/Public Comment – Trail from Kimball Farm Road to Town Forest: Vicky Jones was present and wanted to know if the town has documented town ownership of the area in question. Dick said the town is waiting for a final title report but has been provided information indicating that neither of the adjoining property owners owns the area in question. Vicky disputed the town's ownership claim and said she wants the town to prove its ownership. Vicky added that the town cannot make any alterations on the property until the ownership issue is resolved. Vicky said she is also having a title search done. Tom said it's his understanding that 3H sold a lot to the Johnsons and a lot to the Phillips and the remaining property was given to the town. Vicky had an orthophoto map, showing boundaries that differ from the survey. Tom said you cannot obtain town or state property by adverse possession. Vicky asserted her family's ownership of the road in question. Fourth of July: Cathy Boedtke asked to have item #8, "Discuss Fourth of July Committee structure," on the agenda for an evening meeting so the committee members can attend. Dick said he has no problem tabling the issue because the Selectboard does not yet have an opinion letter from the Town Attorney regarding the open meeting obligations of the committee. **Ted moved to table consideration of item # 8 until the next evening meeting, provided the requested opinion letter has been received. Tom seconded the motion, which passed unanimously.** Holiday decorations: On behalf of the Beautification Committee, Jim Curry asked for permission to put lights on one of the trees in front of the Town Hall during the winter holiday season. Ted asked if the lights would be taken down every year. Jim said no. Tom suggested removing two of the three trees. Ted liked the idea of lighting one of the trees but asked about the appearance of the tree during the day and during the off-season. Jim said he doesn't think the wiring or the bulbs will be visible. Tom asked if the lights will be LED. Jim said yes. The Selectboard agreed to put the request on the agenda for their next evening meeting.
6. Discuss Shattuck Hill & Bible Hill drainage concerns – See #7 below.
7. Highway Foreman's Report – Mike said the highway department finished ditching on Friday and will finish seeding today or tomorrow. Mike said paving Brownsville-Hartland Road will occur in mid to late October from north of the intersection with Cemetery Road to south of the intersection with Knob Hill Road. Fall scraping is nearly complete. Mike said the Shattuck Hill project was completed on Thursday. The project consisted of stone lining about 75' of the ditch on the west side of Shattuck Hill, re-routing the cut out above the culvert and making a sump for the culvert to drain into. Mike said the property owner called and thanked the highway department. Mike said it's up to the property owner to clean out her culvert. Mike said the town should send a letter indicating that we have completed our obligations.

The Selectboard agreed. Dick said the town should also send a letter to Mr. Barth indicating that we cannot guarantee that material will not end up on his property. Mike said the highway department removed the berm that was channeling debris onto the Barth property. Dick noted that Mike has used best practices for highway maintenance but we can't guarantee anything. Dick asked Martha to draft a letter to Mr. Barth. Mike noted that the Better Backroads projects on Knob Hill and Rush Meadow are done and have been seeded and mulched. Mike said the financial part still needs to be done. Mike said representatives from the Agency of Natural Resources (ANR), the Agency of Transportation (AOT) and Better Backroads came last week to inspect last year's Better Backroads project. Mike said they also inspected this year's stone-lined ditch project on Knob Hill and said it was the best one they had seen. Mike gave credit to Dan Lesnick, the contractor who does the town's excavation work. The Selectboard congratulated Mike. Mike noted that the Town Garage was inspected by the Windsor Police Department.

8. Discuss Fourth of July Committee structure – Tabled. See #5 above.
9. Village sewer project update – Martha said all the easements have been signed, except for the one from MFW Associates. Martha said she sent the final subordination agreement to Mascoma on Friday and asked them to expedite it. Tom asked if the town is going to stick with the original plan and have the sewer main on the north side of Route 44 until it passes the Phillips property. Ted and Dick said yes. Ted noted that the plan was modified to move the main as far off the Phillips property as possible, except for crossing a small section on the southwest corner. Regarding the pump stations, Martha said Aldrich + Elliott (A+E) is still working on that for us but Joe does not think it will interfere with the project going forward. Martha said she heard from A+E last week that our contractor is anxious to get started. Ted asked what the town still needs to do. Martha said we need the last easement and subordination to be signed, and we need Matt to sign a Certificate of Title to Site; we also need something from Windsor on the pump station issues, or we need the state to agree with A+E that we're all set. Martha noted that the Department of Housing & Urban Development (HUD) has not released the funding for our Community Development Block Grant (CDBG). Martha said we're going to get a grant agreement from the VT Community Development Program (VCDP) and we can sign it and make sure we meet all the conditions, but we won't be able to requisition funds until the funds are available. Martha said we also need loan documents from the Bond Bank for the Clean Water State Revolving Fund (CWSRF) loan; Jason Booth was going to follow up on that with them. Dick said the pump station issue seems to be the last obstacle. Martha agreed to touch base with A+E again today on that issue. Tom said the contractor has to find a site to store materials and equipment. Martha said she will ask A+E if they have communicated with Zaluzny about that.
10. Water system update – Ted said he is worried about finding someone to build a roof over the stairwell and get it cleaned out. Ted said Jim Yates is not available. Tom suggested Dennis Lemire. Ted said, according to Tim Raymond from the VT Drinking Water Division, the Division used to be able to issue a repair order but since the Division was moved from the Department of Health to ANR, it's more difficult for them to do that in a reasonable time frame. Tom suggested getting Kingdom Cleaners to clean it up. Ted agreed to call Dennis Lemire and Kingdom Cleaners. Dick noted that Mountainside has withdrawn their motion to intervene and Paul Giuliani is aware of that. Ted asked Martha to remind A+E that we're still looking for a Preliminary Engineering Report on the water system by October 9<sup>th</sup>.
11. Discuss Boundary Line Adjustment with Mountainside Condo Assoc. – Nate Stearns was present on behalf of Mountainside Condo Association. Nate said Mountainside suggested

extending the boundary line adjustment to include Deer Run Road. Nate said Matt Birmingham referred to a map from the Trust for Public Land (TPL) showing a possible land swap, and added that he has not seen that map. Dick gave Nate a copy of the map, which depicts an acre-for-acre swap. Dick said he assumes the encroachments are all on the area that Mountainside would be obtaining. Nate said he believes that is correct. Dick said Kate Wanner is okay with it as long as it is an equal swap so it doesn't affect the appraisal. Dick said we do have to get an Act 250 amendment. Ted added that we need to do it quickly. Nate said he will take the proposal to the Mountainside Board today. Dick said Mountainside would still have a private road and the town would not have an obligation to maintain it. Ted repeated that time is of the essence since TPL is hoping to close on the purchase by December 15<sup>th</sup>. Dick said it's his understanding that Mountainside had some survey work done and was planning to reduce it to an actual survey. Nate said he doesn't know if it's on paper yet. Dick said we need to have a survey to be certain that there will be no encroachments once the boundary is adjusted. Tom said someone should check and see where the power lines come in. Nate said he will try to report to Matt later today.

12. Mountain property acquisition update – Martha said Kate sent a new purchase and sales (P&S) agreement. Dick said he just received it this morning and would like to have time to read it. Dick suggested scheduling a special meeting to sign the agreement, after the Selectboard has had time to review it. Martha said she talked to Kate about the telecommunications easement on Friday and Dan is not okay with removing the two lines the town wanted removed so Kate and Denise are talking to him about changing the language from “optimal” to “commercially viable.” Tom asked if we have received a report on the Phase II investigations. Ted said the report will probably go to the state first, since the contract is with the state. Regarding the Base Lodge option agreement and exhibit A, Dick said Snowdance is supposed to have the deed transferred on October 9<sup>th</sup>. Dick said he would prefer to ask Mark Blundell to sign the agreement after Snowdance becomes the sole owner of the property. Tom asked about sharing the Phase II report with the regional planning commission (RPC). Ted said if additional cleanup work has to be done, then the town will approach the RPC for funding.
13. Review sign easement language – Dick said TPL will be giving Orange Lake a sign easement. Dick said he has looked at the language and has a few suggestions. Overall, Dick said he thinks it will be a benefit to the town to have someone maintaining those two signs.
14. Review telecommunications easement – See item #12 above.
15. Consider signing purchase & sales agreement with TPL – See item #12 above.
16. Consider signing loan agreement with Mascoma Savings Bank for EC Fiber project – Martha said we will still have to close on the loan; this is just informing Mascoma that we want to proceed. **Ted moved to authorize the Chair to sign the loan offer commitment letter. Tom seconded the motion, which passed unanimously.** Dick noted an email indicating that the funds are not going to be needed until December 1<sup>st</sup>. Ted said he was encouraged to hear that EC Fiber expects to be offering service by the end of the year.
17. Consider changes to sewer ordinance proposed by Utility Advisory Committee (UAC) – Martha said the UAC originally proposed changes last July and the Selectboard took the proposal under advisement. Martha said the committee would like the Selectboard to review and act on their proposal. Martha said she will re-send the existing ordinance and the proposal. Dick suggested considering the proposed changes at the same time they consider the P&S with TPL. Tom said there's a lot of work for the Selectboard to do once the village sewer project is complete.

18. Review Bicycle & Pedestrian Master Plan – Since Dick and Tom had not read the plan yet, Ted suggested tabling it until the next regular meeting. Ted said he prefers to have painted pavement between the town hall and the school, rather than a sidewalk. Ted added that, since a two-direction bike path on the north side of Route 44 between Seems Road and Harrington Road is not feasible, it seems like the best option is shifting the centerline of Route 44 next time it’s paved. Mike said he thinks the state will re-pave it within five years. Ted said shifting the center line will allow for a bike lane on both sides of the road. Ted said the Plan also discusses reducing the speed limit in the center of town to allow for a crosswalk. Ted said he has no problem with that. The Selectboard asked Mike to let them know if he has any issues with any of the recommendations in the plan.
19. Other Business – Water table: Ted said the water table is going to be at the school on October 5<sup>th</sup> at 7:00 PM. The Conservation Commission is going to start their meeting there and would like the Selectboard, the Highway Department, and the Planning Commission to join them. Conservation easement: Dick asked if the easement still references the parking area at the end of Deer Run Road. If it does, Dick said, that reference should be removed. Ted asked Martha to email John Roe and request the latest draft of the easement. MAO rope tow application: Tom said Mt. Ascutney Outdoors (MAO) is going before the Development Review Board with an application for a rope tow and asked Ted and Dick if they have any thoughts on the matter. Dick said he has not seen the application. Ted said, until we own the property, they’re not really dealing with the town; they’re dealing with MFW. Dick said TPL might want to have input on work being proposed for property they’re planning to acquire. Ted said Laura Farrell from MAO is working closely with Kate Wanner from TPL. Tree work: Tom asked to include “additional tree work” on the next agenda. Tom said he has already spent the \$8,500 budgeted but there is another hazardous tree on the west end of town.
20. Approve Minutes: August 10 & 20, September 14 & 18: **Tom moved to approve the minutes of August 10, August 20, September 14 and September 18, as written. Ted seconded the motion, which passed unanimously.**
21. Adjourn – **Dick moved to adjourn at 9:26 AM. Ted seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison