

WEST WINDSOR SELECTBOARD

Draft Minutes
December 19, 2013

Present: Glenn Seward, Tom Kenyon, Bruce Boedtke, Cathy Boedtke (July 4th Committee), Rudy Gross (Town Forest Committee), Jim Lyall, Mike Spackman, George Calver (*Vermont Standard*), Cathy Archibald, Martha Harrison

- 1) Call to Order – Selectboard Chair Glenn Seward called the meeting to order at 8:00 AM.
- 2) Changes or additions to the agenda – Correspondence from Ashley Pakenham, TA-65 form for Brook Road project, TAC update, Trust for Public Land grant update
- 3) Fourth of July Committee update – Cathy Boedtke had a fireworks contract for the Selectboard to sign. Cathy noted that one committee member has resigned, and she is concerned about a lack of volunteers. Cathy said there's some discussion about holding the entire event on July 3rd.
Glenn moved to sign the fireworks contract for Atlas Pyrovision Productions, Inc. for the Fourth of July celebration in 2014 in the amount of \$6,500. Bruce seconded and amended the motion to authorize the chair to sign on behalf of the Selectboard. Tom concurred and the amended motion passed unanimously.
- 4) Public Comment – Gravel pit: Cathy Boedtke said the Town Forest Committee (TFC) would like to know if the gravel pit reclamation project is coming out of their budget. Glenn said there was discussion about attributing the expenses to the highway department. The Selectboard agreed that they would plant a conservation mix on the reclaimed portion. Mike said it's his understanding that a portion of the area will be used to store materials. The Selectboard agreed, noting that it can't be used as a "stump dump." All agreed that it's an ongoing project. Act 250 permit amendment: Cathy said the TFC plans to move forward with an amendment to the Act 250 permit for the Bicentennial Trail and the non-motorized trail system. Cathy described the proposed changes. Cathy asked about the role of the TFC in the process. Glenn said the TFC should consult with the District 2 Environmental Commission, draft the amendments, and submit them to the Selectboard for approval. Cathy said the TFC will submit the narrative to Martha. Bruce suggested that the TFC review the draft with April Hensel before submitting it to the Selectboard. Bruce added that the narrative has to address the ten criteria.
- 5) Executive Session: Personnel matters – The Selectboard agreed to move the executive session towards the end of the meeting.
- 6) Employee health insurance update – Glenn said the town was successful in implementing the Platinum plan with Blue Cross Blue Shield (BCBS) and has set up a health reimbursement account (HRA) with a third party administrator to cover 50% of employee out-of-pocket costs. Glenn said employees should get a new insurance card from BCBS and a debit card for HRA expenses.
- 7) Sign Town Clerk's orders – **Glenn moved to sign orders. Bruce seconded the motion, which passed unanimously.**
- 8) Town Clerk/Treasurer's accrued personal & vacation time – This item was not discussed.
- 9) Review Pakenham trail license – Glenn read a note from Ashley indicating that she is not aware of any problems and would be happy to work with mountain bikers on trail maintenance if there are any issues. **Glenn moved to renew the trail agreement with Ashley Pakenham for 2014. Bruce seconded the motion, which passed unanimously.**
- 10) Highway access application (agricultural): Brown (Bryant Road) – Martha said the Browns have not submitted a revised drawing. Mike said he would like to meet with them because there is ongoing confusion about where they want the access.
- 11) Coaching Lane Extension – Glenn said the town is waiting for the right-of-way to be deeded over by MFW. Glenn said MFW has agreed to the transfer, it's just a matter of completing the paperwork.

- 12) Agency of Transportation Project Completion & Certification Report – Martha said the form is not ready to be signed yet. Federal reimbursement for flood damage is not contingent on completing the form but state reimbursement is. TA-65 Form: **Glenn moved to sign the TA-65 form documenting completion of the Brook Road structures grant project. Tom seconded the motion, which passed unanimously.**
- 13) Trail system – Marketing: Glenn said the Ascutney Trails website is nearly complete and will go live following some minor edits. Bruce said he has been disappointed with the pace of the marketing effort. Bruce noted the uncertainty surrounding the portion of the trail system on Snowdance/MFW property. Ownership: Glenn said he has discussed the trail system with Dan Purjes several times and, while Dan understands the importance of the trail system to the town, he is not prepared to sacrifice the marketability of his property to preserve the trails, although he would be willing to help find a suitable alternative. Glenn noted that, if the ski area does not re-open, the trail system is even more important as a tourist attraction, but the town should not spend a lot of money marketing something that we do not have secure access to. Bruce agreed. Tom asked if Dan will inform a potential purchaser that the trails are there. Glenn said yes. Bruce noted that the trails are part of an Act 250 permit so any changes are going to require an amendment. Tom noted that the town does not have a deeded right-of-way. Glenn noted Mr. Purjes' willingness to include the town in conversations about the property going forward. Glenn added that the marketing effort to date has been funded with money from the reserve fund and, if the situation warrants, we could consider that again. Martha asked if the town could get an option or a right of first refusal on Mile Long Field. Martha also asked if the website should include a trail map if half the trails are in jeopardy. Bruce said the map should be consistent with the map approved by the state and the Selectboard should review the website before it goes live. Jim said the current map is consistent with the Act 250 permit although exact trail locations need to be fine-tuned. Jim said the trail map is not going to be published on the website and he is listed as the contact for trail-related questions. Glenn said he will make sure that Tom and Bruce have the latest information on the website. Bruce said he thinks the Town Forest Committee should look at the website as well. Access to the town forest for disabled residents was not discussed.
- 14) Update on ski area land grant – Glenn said the Selectboard agreed to allow the Conservation Commission to explore a grant opportunity to expand the town forest by purchasing the ski trails – land only, no lifts or buildings. Purchasing the land could secure access to much of the trail system and also reduce the capital investment for a prospective ski area operator who could lease the ski trails from the town. Glenn said he and a representative for Dan Purjes met with Trust for Public Lands (TPL) to review the process. Glenn said the land under consideration would be up the hill from Ski Tow Road, and from the state park west to the town forest. Glenn said at the moment it's just an initial conversation about the feasibility of the concept. Cathy Boedtker asked if the project would be contingent on conserving the town forest. Glenn said conservation is not required but it would improve our chances of success. Glenn added that the town could conserve portions of the property. Conserved property cannot be sold or subdivided. Tom asked if it can be leased. Glenn said he was clear with the TPL representative that we would need some provision to allow a ski area on the property. Glenn said TPL is very much in favor of recreational use. Jim asked about the deadline for an application. Glenn said the town would not be ready by January 2014, so we'd have to apply in January 2015. Bruce said we should continue to investigate. Glenn said TPL would take the lead in writing the grant. Tom said he would like to see the effect on the Grand List. Glenn said there would have to be an appraisal early on in the process.
- 15) Resort sewer purchase update - Glenn said he met with attorneys for the town and the resort on Tuesday to review closing documents and everything seems to be on track for a closing by the end of the year provided Windsor signs the agreement for allocation and maintenance. Hotel spur agreement: Glenn said the agreement requires certain improvements to the portion of the sewer system that serves the Windsor building, Cunningham's, and the hotel. Glenn said Orange Lake and MFW have agreed to sign but the Windsor Building representative has not agreed. Glenn said

he has made it clear that the town will not be responsible for the Hotel spur until the improvements are done. Glenn said there are \$75,000 in improvements that need to be made and financed on a pro rata basis. Bruce asked about the reluctance on the part of the Windsor Building representative. Glenn said the Windsor Building representative claims that there is no entity empowered to sign the agreement and collect the money, but the town has a legal opinion to the contrary. Glenn said the Windsor Building representative has suggested that the town assess each individual owner but it's not clear who the owners are due to ongoing legal issues and interval ownership. In addition, Glenn said, many of the identified owners in the Windsor Building are in arrears on their sewer bills. Glenn said there have been improvements to the building, so there must be some mechanism in place for billing and collecting. Upper Loop status: Glenn said the upper loop needs some upgrades but the question of who owns the upper loop needs to be resolved before the town can take it over. Glenn said Town Attorney Matt Birmingham and Property Owners Association attorney Nate Stearns are working through that issue. Glenn said the agreement will allow for funding improvements to the upper loop from the capital reserve fund. Sewer ordinance: Glenn said the ordinance is in draft form and there are some changes that need to be made before it can be brought up for public hearing.

- 16) Village sewer project update – Glenn said the preliminary engineering is done and the fire department has agreed to allow a pump station on their property so we're working on funding for the project; Martha is almost done with our Community Development Block Grant application. Martha noted that there will be a public hearing on the application on December 30th at 6:30 PM.
- 17) Grant update - Hazard Mitigation Grant Program: Glenn said the emergency access to the resort and the Brownsville-Hartland Road slope repair were declined, but the buy-out of the Hale property on Brook Road looks positive although we won't have a decision until April or May. Mike asked if everything will be removed from the Hale property. Glenn said yes and added that nothing can be put there in the future. Mike said he was happy to hear that because, as it is now, that property is "a huge fire issue." Glenn said the town is hopeful that an abutter may purchase the property and merge it with their existing holdings. Pollution Abatement Grant: Glenn said this grant is in question at this point because of statutory limitations on the awarding of funding. Glenn said the thought is to submit a resolution to the legislature to allow the town to access pollution abatement funds. USDA – Rural Development Grant: Glenn said the town is waiting for a determination on our eligibility.
- 18) Update on fiber optic line extension project – Glenn said we won't know for a couple of days how much money was raised in the December 16th investment closing.
- 19) Board, Committee & Town Officer appointments – Cathy Archibald said the Cemetery Sexton is Bob Matthews; Mark Nowlan is willing to be re-appointed to the Conservation Commission (CC); Win Johnson does not want to be re-appointed but agreed to stay on until a replacement can be found; Polly Ouelette is the town's representative to the Council on Aging; Genevieve Lemire is willing to be re-appointed to the Development Review Board, but Dow Davis is not; Jim Kenyon is the Emergency Management Coordinator; Ted Siegler is the Green Up Coordinator; Arthur Steinberg is willing to be re-appointed to the Planning Commission; Tom Kenyon is the town's representative to the Southern Windsor County Management District and the Southern Windsor County Transportation Advisory Committee; and Rudy Gross is willing to be re-appointed to the Town Forest Committee(TFC). Cathy said Tom Kenyon is also the alternate representative to the Southern Windsor County Regional Planning Commission and asked the Selectboard if they want to appoint him as the primary representative since Hal Pyke has moved out of town. The Selectboard members said yes. Cathy said she has not heard whether Elvin Kaplan is willing to serve another term on the Planning Commission. **Glenn moved to appoint the officers and committee members specified by the Town Clerk. Tom seconded the motion, which passed unanimously.** The Selectboard agreed to leave Win Johnson's seat on the CC vacant for now. Town Forest Committee (TFC): Glenn said he called Rudy yesterday and asked him how he feels about the TFC going forward and whether he thinks the TFC should

continue to oversee the town forest or transfer those duties to the Selectboard. Glenn said Rudy suggested that he meet with the TFC to discuss the possibility of not having a committee going forward. Bruce said he would like to know if the TFC is willing to put the ATV issue behind them and move on to other things; he'd like to know what their plans are for 2014. Cathy Boedtger pointed out that the Conservation Commission had to deal with the difficult issue of ancient roads and the commission was not disbanded as a result. Cathy said she would welcome direction from the Selectboard but would be concerned about the Selectboard taking over the TFC's responsibilities. Rudy said he thinks the TFC has moved on from the ATV issue and is now looking at changes to the trail system, including the Bicentennial Trail. Rudy agreed with Cathy that he is not in favor of disbanding the committee. Rudy said he would welcome more information about the possibility of expanding the town forest by purchasing ski area property. Tom said he likes the idea of clarifying the advisory role of the TFC. Glenn said he will plan on attending the TFC's next meeting.

- 20) Police report – Glenn said he did not get a police report for December but he did contact Tom Marsh about the law enforcement contract and clearly both towns were remiss in formally addressing the additional hours in a revised contract. Glenn said Tom will provide a revised contract for the Selectboard to consider. At issue is the additional time the Windsor Police Department has been spending in West Windsor, which the Selectboard agreed was necessary even though we did not adjust the contract accordingly. Glenn said they have spent the additional time out here and would like to get paid for it. Bruce suggested getting an update from the Police Chief. Tom said he doesn't have a problem with the additional charges going forward from January 1st. Tom noted that the law enforcement budget was \$80,000, which included other items in addition to the fees to Windsor. Bruce agreed with Tom that we need to have a set number that we can budget. Glenn said he will arrange a meeting with the Windsor Town Manager and the Windsor Police Chief. Glenn noted that actual law enforcement spending to date is \$72,872 out of a budgeted amount of \$80,000. Tom suggested asking for clarification on the types of situations that Windsor PD is responding to.
- 21) Notice of Overshadowing: Schoen well shield – Glenn said the town has been notified of the proximity of the Schoen's well to adjacent property, including the cemetery, but no action is required on our part. Mike said the notification would only have teeth if the town did something on our property that affected the Schoen's well.
- 22) Other Business – Credit card resolution: Glenn said the Selectboard agreed that the Highway Foreman should have a credit card for town business. **Glenn moved to sign the Business Card Resolution form from People's United Bank to allow a credit card to be issued to the Highway Foreman. Bruce seconded the motion.** Tom asked about the policy for turning in slips to the Town Treasurer. Cathy said Mike will bring them in weekly. **Glenn called for a vote on the motion, which passed unanimously.**
- 23) Executive Session – **Glenn moved to go into Executive Session to discuss personnel matters. Tom seconded the motion, which passed unanimously.** After discussion, **Glenn moved to come out of Executive Session. Tom seconded the motion, which passed unanimously.** Glenn moved to budget a 1.5% cost of living adjustment for the employees for 2014 and additional adjustments based on a review of employee responsibility and merit. Additionally, in recognition of extraordinary effort and dedication to the community, Glenn moved to provide a bonus to the Town Clerk, Highway Foreman and Town Administrator in an as yet undetermined amount to be taken from the 2013 budget upon review of the year-end figures. Tom seconded the motion, which passed unanimously. Tom moved to establish the hourly rate for part-time employees at \$16.75. Bruce seconded the motion, which passed unanimously.
- 24) 2014 Budget – Glenn said he would suggest that any 2013 year-end surplus go to the equipment fund, the paving fund, the road refurbishment fund, and the reserve fund. Highway Budget: Tom suggested putting \$20,000 of the anticipated surplus in the equipment fund and reducing the

budgeted amount for 2014 from \$80,000 to \$60,000. Tom said he would also like to move the \$5,000 tree removal line item to emergency management. Tom said if \$20,000 comes from surplus and \$5,000 is moved out of the highway budget, the increase in the highway budget is only \$7,675, which reflects salary increases and insurance. Mike agreed as long as he still has money for tree removal. Tom said Mike can still do tree removal. Mike asked if the projected surplus is over \$150,000. Glenn said yes. Tom asked Mike if he is planning to replace the 2009 truck with a truck of the same size. Mike said yes. **Glenn moved to approve the highway budget subject to final review. Bruce seconded the motion, which passed unanimously.**

Town Budget: Tom said he would like more information on current use revenue and questioned going from \$139,000 down to \$10,000. Glenn said, based on the Listers' conversation with the state, he would rather err on the side of caution. Tom and Bruce agreed. Tom asked about Listers' wages. Cathy said a lot of the wages came out of the Listers' Fund this year because of the reappraisal. Tom suggested increasing the wages for the Assistant Town Clerk/Treasurer. Glenn said we just increased the part-time rate to \$16.75. Tom asked if the budgeted amount is adequate to cover the number of hours that we would anticipate the Assistant Town Clerk working. Cathy said she will review the number of hours. Regarding legal fees, Glenn said now that a closing on the sewer system looks likely, we can attribute a portion of the legal fees to the sewer budget and reduce the amount in the town budget to \$21,000 for 2014. Tom suggested changes to the names of various line items and the addition of "Tree Removal" under Emergency Management. Tom suggested delaying the clock project until 2015. Glenn suggested creating a "Clock Fund" and setting some money aside each year. The Selectboard agreed to budget \$85,000 for law enforcement; \$80,000 for the contract with Windsor and \$5,000 for other law enforcement expenses. Mike proposed a tentative budget of \$46,000 for the fire department. After discussion about whether the Rock-n-roll trail is on town property, Glenn suggested budgeting \$10,200 for the Town Forest Committee on the condition that the boundary survey for the town forest be completed. Tom suggested budgeting \$8,500 and putting surplus funds in the TFC budget with the specification that the survey is to be finished. Glenn and Bruce agreed. **Tom moved to approve the town budget subject to final review. Glenn seconded the motion, which passed unanimously.** Regarding wages and bonuses, Glenn asked how to proceed. **Tom moved to have the chair do the calculations discussed in executive session and share the results with the other Selectboard members for final approval. Glenn seconded the motion, which passed unanimously.** The Selectboard scheduled a meeting with the highway employees for Friday, December 27th at 7:30 AM at the Town Hall.

25) Other Business - Item #11: Regarding the Project Completion & Certification Report form, Martha said she thinks Glenn is the only one who needs to sign it. Martha said the form certifies that we're finished with all our flood repair projects and are ready to have them inspected. **Tom moved to authorize the chair to sign on behalf of the Selectboard. Bruce seconded the motion, which passed unanimously.** Mike said we haven't finished the work on Pierce Hill but he's okay with signing the form and paying for the Pierce Hill ditch work with town funds. The Selectboard agreed. Food Shelf: Glenn acknowledged receipt of a nice thank you note from the Reading-West Windsor Food Shelf for the town's \$500 donation. Transportation Advisory Committee (TAC): Tom said TAC members decided on a paving project north of the Weathersfield Recycling Center.

26) Adjourn – **Bruce moved to adjourn at 11:35 AM. Tom seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison