

WEST WINDSOR SELECTBOARD

Draft Minutes
January 28, 2013

Present: Glenn Seward, Tom Kenyon, Barbara Truex, Elvin Kaplan, Mark Isenberg, State Senator Alice Nitka, State Representative John Bartholomew, State Representative Donna Sweaney, Martha Harrison
Absent: Bruce Boedtger

- 1) Call to Order – Selectboard Chair Glenn Seward called the meeting to order at 10:00 AM and noted that Bruce Boedtger is absent due to medical issues.
- 2) Public Comment – Tom noted that 2013 is the 40th anniversary of the founding of the West Windsor Historical Society. Tom also suggested inviting Emergency Management Coordinator Jim Kenyon to the February 11th meeting to talk about post-Irene issues.
- 3) Consider approving contract with Regional Planning Commission – Glenn said the \$3,040 contract is for help with an inventory of problem areas on the roads and a Master Plan for erosion control projects. Glenn noted that grant funds from Better Backroads will cover the costs. **Tom moved to approve the contract. Glenn seconded the motion, which passed unanimously.**
- 4) Appoint Loan Compliance Officer - **Glenn moved to appoint Town Treasurer Cathy Archibald as Loan Compliance Officer as required by the Vermont Municipal Bond Bank. Tom seconded the motion, which passed unanimously.**
- 5) 2014 CWSRF priority list application: village sewer project – Glenn said this information is requested by the state to give them an idea what projects are coming along that may require funding. Glenn said the application outlines the costs of the sewer extension. Glenn said he reviewed the application with Joe Duncan from Aldrich + Elliott and everything appears to be in order. **Glenn moved to approve the pollution control project priority list and planning list for 2014 and the planning list for 2015 to 2018. Tom seconded the motion, which passed unanimously.**
- 6) Discuss draft Sewer Ordinance – Glenn said the ordinance was developed by Aldrich + Elliott (A+E). Glenn said the Property Owners Association (POA) would like an Act 250 amendment outlining the sewer advisory committee to ensure their long-term involvement. Glenn said he thinks this request is reasonable. Tom said he would like a copy of Windsor’s sewer ordinance so he can compare the two. Glenn said he will give Tom a copy of Windsor’s ordinance. Tom said he is concerned about requiring people within 200’ to connect to the sewer line. Tom added that the town needs a formula for determining how much the school and town hall are going to pay. Tom said he has a lot of questions. Glenn said it might be helpful to review the ordinance with A+E engineers Joe Duncan and Kevin Camara. Glenn asked Tom if he is comfortable with the POA’s request. Tom said yes. Glenn said A+E is drafting an amendment to the Act 250 permit so we can submit it as soon as the purchase and sales agreement is signed. Glenn said he doesn’t want to own the system without an ordinance in place. Glenn and Tom agreed to schedule a working session with A+E for next week. Tom said it would be nice to know how many people are thinking about connecting. Glenn said he thinks the property owners in the village should be required to connect. Tom said he doesn’t know if everyone can afford that. Glenn said he thinks the bond obligation should be shared by the entire town. Tom asked when the Act 144 school payments stop. Cathy said the school payments stop in 2025. Tom said the town needs to coordinate the sewer construction with the state’s plans to repave Route 44.
- 7) Discuss local issues with state legislators – At 10:30, Senator Nitka, Rep. Sweaney and Rep. Bartholomew arrived, as did Planning Commission members Barbara Truex, Mark Isenberg and Elvin Kaplan. Glenn updated the legislators about the situation in West Windsor. Some important issues discussed: direct discharge of sewage into Mill Brook from poorly functioning village septic systems; unacceptable isolation distances between wells and septic systems in the village; the inability to develop village properties due to septic constraints and small lot sizes; the inability of the school to have a cafeteria due to septic constraints; concern about losing our school to consolidation given the lack of a hot lunch program; and the lack of restroom facilities in the library. Glenn said the

town considered constructing a community septic system but that would only address current pollution issues and would not serve the school or allow any future development. Donna suggested checking the library deed to see if it is town-owned because a municipal building is allowed to have a holding tank. Tom noted that the Windsor treatment facility has plenty of capacity. Mark expressed concern about the town's identity and future, and about the future of general stores in the area. Mark used the huge increase in unemployment insurance costs as an example of an unreasonable burden on small business owners. Alice said the state unemployment fund had to borrow from the federal government and is trying to pay back that loan before interest rates increase. Glenn said a \$2 million loan to extend the sewer line into the village would be a huge burden on the taxpayers so the Selectboard has to figure out how to mitigate that. Glenn added that the town has been in contact with Josh Hanford from Community Development and they are investigating the availability of grant money. Glenn said the town is also initiating an income study to determine our eligibility for grants. Glenn asked the legislators for assistance in obtaining grant funding. Tom expressed concern about village property owners being able to sell their properties without adequate septic facilities. Donna asked about the extent of the expansion. Glenn said it would go from the resort to Seems Road and up the Brownsville-Hartland Road to the school. John asked about connection costs for homeowners. Glenn said he thinks the town could get the line close to the houses but there would be some interior plumbing costs to homeowners. Barbara noted that the PC is amending the Town Plan because of the closing of the Resort and the impact on recreation and the local economy. Barbara noted the added impact of Tropical Storm Irene. Since the ski area closed, Barbara said, property values at the resort have declined dramatically and the town is "dead in the water." Glenn said the ski area is in foreclosure and the court system is failing to act on it. Glenn said a number of potential buyers have expressed interest in acquiring the ski area but it can't be sold until the foreclosure action is complete. Likewise, Glenn said, the town cannot acquire the sewer system until the foreclosure is complete. Glenn said the court's failure to act is strangling the town. Glenn said it is getting to the point where there is so much deterioration of the infrastructure at the ski area that it's going to have little or no value or appeal to a potential buyer. There has to be some way, Glenn said, to influence the court to act on this; it has been going on since 2008. Glenn provided the legislators with the name of the judge involved. Tom said Irene wiped out the transformers that run the snowmaking pumps, which also provide emergency fire fighting water for the Resort and the village. Until it is determined, through the foreclosure process, who owns the pumps, Tom said, no one wants to pay to have them fixed. Senator Nitka suggested that the town may have a "cause of action" in this situation. Glenn said he drafted a letter to the judge but was informed by the Town Attorney that he cannot interject himself into a proceeding without the court's permission. Glenn enumerated some of the impacts of the resort being closed, including a lack of business at the general store, and a lack of buyers for condos that are priced at ¼ of their previous value. Glenn noted that the town is undergoing a reappraisal. Tom wondered what would happen if Orange Lake closed its time-share business. Glenn said West Windsor would have the largest subsidized housing complex in the state. Tom said the state education fund would be the biggest loser. Alice and Donna agreed to make some inquiries. Donna suggested that the town contact Pat Moulton Powden or Lawrence Miller at the Agency of Commerce and Community Development. Glenn said he spoke with Kiersten Bourgeois some time ago when there was a very motivated buyer for the ski area but the deal fell apart, in part because of the unresolved court action. Glenn noted that the current owner investigated the EB-5 program but, with everything in limbo, that fell apart too. Glenn said he got an email this morning from someone who works for Mr. Purjes saying that they are prepared to move ahead with a mountain development plan as soon as the foreclosure is complete. Barbara noted that the PC is looking at ways to improve economic development through the promotion and marketing of recreation in the community. Barbara asked if the state can help the town with marketing. Alice referred Barbara to Megan Smith, the Director of Tourism and Marketing. Glenn noted that Windsor is owed between \$160,000 and \$200,000 in unpaid sewage treatment charges and will not get their money until West Windsor acquires the system, which will not happen until the foreclosure is resolved. Glenn said the court is probably not

aware of the collateral damage that is occurring. Glenn asked about block grant money earmarked for Windsor County. The legislators were not aware of available block grants. Mark noted that West Windsor has 26 miles of mountain bike trails and 23 miles of snowmobile trails. Mark asked the legislators what issues their constituents are concerned about at the moment. Alice said guns, death with dignity, and marijuana. Donna said she sees economic development at a big issue for the towns she represents. Mark said West Windsor needs to attract more full-time residents. Alice said there are unfilled positions in the high tech industry in the Upper Valley. Tom noted a lack of local part-time jobs since the ski area closed. There was discussion about the decline in population and birth rates in Vermont and throughout the country, and the impact on tax rates. John asked if the mountain bike trails are on town property or resort property. Glenn said over half the trails are on resort property so the unresolved foreclosure action impacts the long-range plan for the trail system as well. On another note, Tom complimented the work program at the correctional facility. There was discussion about the difficulty in finding housing for prisoners who are eligible for release. Barbara requested assistance with securing the funding for extending the sewer line into the village. Glenn said the town may be eligible for a pollution abatement grant, which would help, but we need all the help we can get. Donna and Alice agreed to look into funding sources for capital projects such as the heating plant in Montpelier. Tom said the state would recoup its investment when the town's Grand List goes back up. Glenn agreed to show the legislators the deteriorating infrastructure at the ski area.

8) Adjourn – **The Selectboard adjourned by consensus at 11:35 AM.**

Respectfully submitted,

Martha Harrison