

West Windsor Selectboard  
Draft Minutes  
July 25, 2016

Present: Dick Beatty, Tom Kenyon, Win Johnson, Matthew Birmingham, Mike Spackman, Michael Bell, Steve Crihfield, Ed Pierce, Jr., Ted Siegler, 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 – Win said he would like to schedule a meeting to discuss Rules of Procedure, Conflict of Interest Policy and the Public Assembly ordinance. The order in which agenda items were considered was also changed.
- 3) Announcements/Public Comment – Tom thanked the Windsor Ambulance and Windsor Police for their response on last night’s FAST Squad call. Tom noted there might be a problem with the E-911 number for the property where the call originated. Mike said if the caller used a cell phone, it wouldn’t provide the call center with an accurate location. Bowers Road: Ed Pierce, Jr. had concerns about his well being contaminated as a result of work recently done by the town installing a culvert on Bowers Road. Ed said the culvert is about 15’ from his well. Ed asked if he has to have the state sample his well, or if the town will do that. Ed was also concerned about snowmobilers and other trail users trespassing on his property. Mike said, other than burying some conduit, the town was working within the town right-of-way and did not disturb the well. Win told Ed the Selectboard will discuss it and get back to him.
- 4) Review status of water system easements with Town Attorney – **Tom moved to go into executive session to consult with the Town Attorney. Win seconded the motion, which passed unanimously.** After discussion, **Win moved to come out of executive session. Tom seconded the motion, which passed unanimously.**
- 5) Highway Foreman’s Report – Coaching Lane intersection: Mike said the highway crew is working on the Coaching Lane intersection project. Party: Mike invited the Selectboard to Gary’s retirement party. Hammond Hill access: Regarding the Hammond Hill access discussed at a recent meeting, Mike said he met with the property owner and no longer feels that an access permit is necessary, unless the Selectboard disagrees. The access will only be used two or three times per year to mow the field. Mike said he agrees with the property owner that the access should be gated to prevent unauthorized use. Mike said he informed the owner that any change in the use of the access would require a permit. Win asked if the town needs to send the owner a letter. Mike said he thinks the minutes of this meeting are sufficient. Mowing: Mike said the highway crew is 1/3 done with the second round of roadside mowing. Bowers Road: Mike said, other than burying the conduit for the electrical line, the town has not done any work near the well. **Win moved to test the well after the town is finished working in the area. Tom seconded the motion.** Mike said, according to the representative for the town’s engineering firm, the material placed on the property by Zaluzny Excavating is not contaminated. Mike said if the well is contaminated, it’s possible that it was contaminated long ago; there’s no way to tell without a pre-test. Dick said he thinks we need more information before we agree to do a water test. Mike said he will take photos of the area. **There was no vote on the motion.**
- 6) Sign Better Roads grant agreement for Coaching Lane-Route 44 project – Martha said the state has not provided the grant agreement yet.
- 7) Brownsville-Hartland Road inclinometer report – Win noted the monitoring company’s recommendation that the town highway crew keep a close eye on the area. Mike said the town can’t afford to fix it until there’s a catastrophic failure, which would qualify the town for emergency aid from the state.
- 8) Public assembly application (STAB & Ascutney Outdoors): Harpoon Point to Point Ride on Saturday, August 13<sup>th</sup>, from 8:30 AM until 3:00 PM on Ski Tow Road (former ski area) with camping the night before the event – Michael Bell noted that the event will start and end on the mountain but will use some town roads to connect to different trails in the area. Mike said there are only 35 participants registered so far and the after-race party will take place at Harpoon’s facility in Windsor. Tom suggested no fires associated with any camping that takes place. Dick and Win agreed. **Tom moved to approve the application. Win seconded the motion, which passed unanimously.**

- 9) Correspondence – Barbour: Sherry Barbour said her son still needs his maple tree replaced but, other than that, her concerns have all been addressed. Sherry said it would be fine for Zaluzny to have the tree planted in the fall.
- 10) Other Business – AO Public Assembly permits: Ted was present to discuss public assembly permits for AO-sponsored events on town property. Ted said he has no problem with the town requiring permits for large events he was just hoping AO would not have to get a permit every time they have a small gathering. Ted agreed that information about upcoming events should be communicated to the town, regardless of the size of the event. Win said he plans to recommend some changes to the Public Assembly ordinance which would clarify that it does not apply to regularly scheduled events. Logging: Ted said the Conservation Commission (CC) would like to consult with Tii McLane about the possibility of logging some areas in the town forest to provide revenue for its maintenance. Ted asked Martha to contact Tii. Ted said the CC would like to get a revised management plan to the Selectboard this fall. Brook Road property: Win asked Ted if the CC has a recommendation with regard to the Brook Road property. Ted said the CC recommends removing the development rights and offering the property to one of the neighbors. Tom said he thinks there are restrictions on transferring the property. Win said he asked the Director of the Two Rivers Regional Planning Commission what our options are for disposing of the property. Tom noted that harvesting in the town forest could improve wildlife habitat. Ted agreed. AO Update: Since Ted is the town's representative on the AO Board, Win asked Ted if he can give the Selectboard an update on AO's plans. Ted said there have been discussions about acquiring the Cunningham building. Those plans fell apart at one point but they may be re-considering, although it wouldn't really make sense to acquire Cunningham's unless there is a lift to get people up to the rope tow area. Ted said they're also talking about snowmaking but that depends on the plans for removing the dam behind the fire station. Tom said they need to determine whether it's deep enough to bury a tank below the stream bed before they remove the dam. Tom said it would provide enough water for some snowmaking, although not as much as the resort used to make. Win said it would be good to know how much snowmaking equipment we should salvage. Dick asked Tom about the fire station's drinking water supply. Tom said if they take away the well, then the fire station would be without drinking water. Win asked when we'll know more about this project. Tom said he doesn't think we'll know this year. Ted said he doesn't think AO would need much of the snowmaking pipe. Dick noted the spaghetti lots around the hotel. Tom wondered if the easements went away with the lifts. Steve said AO should probably look into that but for now they are still looking into their options with regard to lifts and lift configurations. Win noted that the request to purchase a couple of chairs from the East chairlift has been withdrawn. Win said the town and AO were supposed to review the assets and decide who is responsible for what but we never really did that. Dick said we're supposed to do that by November. Win agreed that it can still be done. Tom asked if AO has the right to sell any of the assets on the property. Win said it's a gray area. Steve said Laura has some fundraising ideas involving the East chair that could benefit the town and AO. Win said the two entities should consult with each other on the disposition of assets. Win added that the town is due a complete set of financial statements from AO; the statements provided do not include footnotes.
- 11) Contaminated soil on maintenance parcel – Win asked Ted if he could sit in on the Selectboard's meeting with Chuck Schwer on Wednesday at 1:00 PM. Ted said he is not available. Dick said the state has agreed that the town can put the soil back in the hole but the work has to be supervised by someone with the proper credentials.
- 12) Sign engineering services agreement with Aldrich + Elliott for the bid and construction phases of the water system improvement project – **Win moved to authorize the Chair to sign the agreement. Tom seconded the motion, which passed unanimously.**
- 13) Water project update – Dick said the construction bids will be opened on August 4<sup>th</sup>. The Selectboard agreed to warn a meeting for the bid opening. Win said he hopes the accountant hired by the town will be able to tell us soon how much is in the water system's maintenance reserve.
- 14) Sign utility easement at 22 Brownsville-Hartland Road – Dick said this is an easement from the town to FairPoint. **Win moved to sign the easement. Tom seconded the motion, which passed unanimously.**

- 15) Request by EC Fiber to place poles in Rush Meadow Road right-of-way – Tom said he would like to know which trees are going to be cut. Win suggested that Tom visit the site with Mike Spackman and EC Fiber. Tom agreed.
- 16) Schedule EC Fiber informational meeting – Win suggested that we invite a reporter to the meeting to make sure it's publicized. **Win moved to suggest September 28 at 7:00 PM at the Town Hall as a meeting date, with September 21 as an alternate date, and to suggest that EC Fiber consider making a presentation to the Property Owners Association at their October meeting. Dick called for a vote on the motion, which passed unanimously.**
- 17) Sewer access improvement request (Mike Reynolds) – Martha said near Mts. Edge there's an unmaintained access to the portion of the sewer system that wraps around behind Ski Tow Road. Martha said, according to Mike Reynolds, Windsor would not be able to get in there to maintain the system if there was a problem. Windsor has requested that the access be improved sufficiently for them to get their equipment in there. Win asked Martha to get more information on what's involved in improving the access. Martha said she will ask Mike Spackman what he thinks should be done and how much it would cost. Win asked Martha to let the Selectboard know if a site visit is scheduled. Tom asked if there's an easement for the access road. Martha said she will try to find out.
- 18) Village sewer update – Tom said tomorrow is Zaluzny's last day on site. Win said he has been impressed with Zaluzny's response to the concerns of property owners. Tom said it has been very helpful having Bob Moulton on site. Win suggested asking Bob to let Zaluzny know that we appreciate their responsiveness. Equivalent users: Martha said she sent "equivalent user" letters to everyone in town except the store, because the Selectboard was still undecided about the store at the time the letters were sent. Win said he thinks the Selectboard should accept the Utility Committee's recommendation and be cautious about setting a precedent. Dick asked about the committee's position. Martha said the committee doesn't want one user to have a meter unless all users have meters. Martha said the water study assigned two user units to the store and the sewer study assigned three user units to the store but we're talking about a sewer bill, not a water bill, and according to the definition of "equivalent user" in our sewer ordinance, the store counts as three units. Win suggested that the town compare the water and sewer studies and consider being consistent with the number of user units for property owners who are connected to both water and sewer. Martha agreed that we could do that in the near future but, at the moment, all we have is a sewer ordinance and we need to send out bills. Win said it doesn't make sense for a property's sewer use to be higher than its water use. Tom and Dick agreed. Dick said let's follow the ordinance and set the number of user units for the store at three. **Tom moved to follow the ordinance.** Dick said, until we revise the ordinance, he doesn't see any other options. Dick added that he doesn't think we want to be installing meters all over the place. **Win seconded Tom's motion, which passed unanimously.** Tom asked if the Treasurer can send out bills now. Martha said she'd like to send the store a letter before the bills go out. Win noted that the town did receive one response to the letter from a property owner who said she could not afford to pay the fee. Tom said that response came from someone who is not the sole owner of the property. Regardless, Win said, he doesn't think the Selectboard has the latitude to waive fees. Martha said she forwarded the letter to one of the other property owners.
- 19) Correspondence - Medinger: Dick said Mr. Medinger is concerned about the penalty for not filing his homestead declaration on time. Dick said the state sets the amount of the penalty and the town decides whether to impose it or not. Tom said when people get an extension on their taxes, they assume that they also get an extension on filing their homestead declaration but they do not. Tom said it creates a lot of paperwork when people don't file on time. In accordance with past practice, the Selectboard agreed not to waive the penalty. The Selectboard talked about sending a reminder to taxpayers in March next year. Dick suggested putting a notice in the Town Report. Win said not everyone gets the Town Report. Martha said there was a request this spring to include the Town Report on the town's website. Dick said he thinks that's a good idea but not everyone looks at the website. Dick said he doesn't think we should spend \$800 sending out a notice. The Selectboard agreed that notice should be posted in as many places as possible.

- 20) Consider Group Net Metering Agreement with Mountain Funds, LLC – Dick said he hasn't heard anything more from Gerald Tarrant about the agreement and he doesn't know whether the Public Service Board has considered the Regional Planning Commission's objection to the Certificate of Public Good.
- 21) Update on Town Hall projects – Tom said Dead River should complete the project on Wednesday. Win asked Tom if he is following up with Fire & Safety on the possible uses for the space in the furnace room. Tom said yes. Tom said he has not heard anything from the clock company. Regarding the Town Hall grounds, Tom said he got a quote from Skyline Nursery but he thinks the work should not occur until next year. Win said the stone wall is beginning to collapse in a couple of places and suggested having Perry Edson come and look at it.
- 22) Request to purchase chairs from remaining ski lift – Dick noted that this request has been withdrawn.
- 23) Other Business – Schedule meeting to consider policies and public assembly ordinance: The Selectboard scheduled a special meeting for Tuesday, August 23, at 8:00 AM.
- 24) Approve Minutes: July 8, July 11 – **Tom moved to approve the minutes of July 8 and July 11. Win seconded the motion, which passed unanimously.**
- 25) Town Clerk/Treasurer's Report – None
- 26) Sign Town Clerk's orders – **Tom moved to sign orders. Dick seconded the motion, which passed unanimously.**
- 27) Adjourn – **Tom moved to adjourn at 10:08 AM. Win seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison