

WEST WINDSOR SELECTBOARD

Draft Minutes

July 8, 2013

Present: Glenn Seward, Tom Kenyon, Bruce Boedtke, Cathy Archibald, Aaron Gonthier (Windsor on Air), George Calver (*VT Standard*), Dennis Lemire, Steve Flinn, Michael Flinn, Jenifer Aldrich (ABS Principal), Claudia Sacuk, Jim Kenyon, Barbara Gerstner, Elna Kuhlmann, Martha Harrison

- 1) Call to Order – Selectboard Chair Glenn Seward called the meeting to order at 6:30 PM.
- 2) Changes or Additions – Tom had some things to mention under “Other Business.”
- 3) Town Clerk’s orders – **Tom moved to sign orders. Bruce seconded the motion, which passed unanimously.**
- 4) Town Clerk/Treasurer’s Report – Cathy had a cemetery deed for the Selectboard to sign. **Tom moved to sign the cemetery deed. Glenn seconded the motion, which passed unanimously.** Cathy also had a catering request from Worthy Burger to serve beer at the Mountain Bike Festival this weekend. **Glenn moved to approve the catering request by Worthy Burger of South Royalton, VT for this Saturday and Sunday. Bruce seconded the motion, which passed unanimously.**
- 5) Public Comment – Glenn welcomed Jenifer Aldrich, the new Principal of Albert Bridge School.
Brook Road culvert: Michael Flinn asked about a new culvert on Brook Road. Glenn said he has requested a hydraulic study from the state so we can get the correct size. Michael said the water was over his furnace for the second time in two years. Michael said it’s a public safety issue since Brook Road is no longer a through road; if that culvert washes out, there’s no emergency access. Claudia asked about the time frame. Glenn noted that FEMA will be involved and said he hopes it will be a matter of weeks. Glenn said we don’t know the magnitude of the fix yet but there will be budget considerations. Glenn suggested waiting for the hydraulic study and then figuring it out. Claudia said this has happened four times in the last six years. Tom noted that the drainage area is quite large. Glenn suggested that the town inquire whether the grant funding approved for the Rush Meadow Road culvert could be used for the Brook Road culvert instead. 2014 Selectboard opening: Tom thanked everyone for their concern about his recent medical situation and announced that he will not be a candidate for Selectman in 2014 but would like to continue to serve on the committees that he currently serves on. Tom encouraged anyone interested in running for the open position at Town Meeting next year to get involved now because there’s a lot going on. Glenn expressed his disappointment at Tom’s decision. Claudia thanked Tom for his years of service.
- 6) Set municipal tax rate – Since the state education tax rate is not available yet, **Glenn moved to table consideration of the municipal tax rate. Bruce seconded the motion.** Tom commented that we don’t know our indebtedness yet either. **Glenn called for a vote on the motion, which passed unanimously.**
- 7) Discuss ATV use in the Town Forest and on town highways – Glenn said he had listed some questions and concerns on this issue back in May and was wondering if the Town Forest Committee has looked into them. Dennis said Glenn’s questions are on the TFC’s agenda for Thursday night. Tom suggested that those interested in ATV use get involved with the property behind the talc plant if/when it is turned over to the town.
- 8) Town Forest trails update – Jim Lyall said STAB members donated 150 to 200 hours to get the trails back in shape after the July 2nd storm. Bruce noted that the storm dumped 4 ½ inches of rain in a short amount of time. Jim said five bridges were destroyed or moved and those have been restored. Jim said the trail to town and the new “Wind Up” trail should be done before the festival. The Selectboard thanked Jim and STAB for their efforts. Jim thanked the town for fixing the parking area promptly. Dennis said the fire department has had two drills in the town forest with the rescue vehicle and he thinks there is some maintenance that could be done to facilitate the use of the vehicle. Jim said two double track trails got washed out and he doesn’t think they should be replaced because they’re too steep, but one of them is an emergency access. Jim had an idea for an alternate emergency access

route. Dennis noted that the gravel pit road is washed out. Glenn said Dan Lesnick is going to work on that. Dennis said the berm should be removed. Glenn agreed. Bruce said the gravel pit road should be closed if it's not fixed before the festival. Bruce noted that one of the planks on "Blue Dipper" is broken. Jim said he patched it. Bruce said some additional pallets are needed further up as well. Jim said he will look into that. Bruce also suggested mowing a temporary trail from Coaching Lane to Mile Long Field in a drier area. Jim agreed.

- 9) Gravel pit reclamation update – Glenn said he sent in the permit application and information that Karen Spooner requested on June 17th and it has been forwarded to Chris Bump so we're just waiting for a response.
- 10) Connector Trail/Crosswalk project – Glenn said the town received \$6,000 for this project from the Mt. Ascutney Prevention Partnership (MAPP) program. Glenn added that we're waiting for a permit from the state for the Route 44 crosswalk and the highway department will do the crosswalks on the Brownsville-Hartland Road.
- 11) "Welcome to West Windsor" sign project update – Glenn said the new signs will be installed during the week of July 22nd. Glenn thanked the committee for their work, the donors for their contributions and the landowners who are allowing the signs to be placed on their property.
- 12) Application for initial highway access: Dowd/Putman (Churchill Road) – Tom expressed concern about the access blocking off the floodplain. Glenn said the access should either be moved a lot or not at all; if it is moved a little, the sight distance will be worse. Glenn suggested moving it 100'. Tom said in the proposed location, the driveway will get flooded and the property owners won't be able to get to their house. Bruce suggested waiting for the highway foreman to look at it before acting on the application. **Tom moved to table consideration of the application. Bruce seconded the motion, which passed unanimously.** Glenn suggested relaying to the applicant that the Selectboard is not happy with the proposed location and they should consider moving it down the road at least 100'.
- 13) Application for final highway access approval: Richard Clay (Rush Meadow Road) – Glenn said the culvert header on the inlet end is too high; the capstones need to be removed and it needs to be re-graded. **Glenn moved to table, pending input from the highway foreman. Bruce seconded the motion, which passed unanimously.** Tom suggested communicating the issue to the applicant.
- 14) Consider signing Bowers Bridge insurance claim form – Glenn said the town received a settlement offer from the insurance company in the amount of approximately \$40,000. Since that offer was received however, VLCT officials have said they would like to meet on July 16th at 1:30 PM to look at the bridge from a loss control point of view. Glenn said he is not available at that time. Bruce and Tom suggested rescheduling the meeting. Glenn agreed. Glenn suggested tabling consideration of the insurance claim form until after the meeting. Tom and Bruce agreed.
- 15) Consider signing contract with Jan Lewandoski for Bowers Bridge repair – **Tom moved to sign the contract with Jan Lewandoski for \$74,300. Glenn seconded the motion, which passed unanimously.**
- 16) Cowshed Trail: consider safety improvements, utility poles – Glenn suggested considering safety improvements because of the increased traffic. Tom suggested talking to the abutter about moving the road. Barbara Gerstner said it's a beautiful country road used by pedestrians, bicycles and horses. Barbara suggested keeping it the way it is and posting a speed limit of 20 MPH. Glenn suggested making the south end a one way road. Elna said she has no objection to making it a one-way road but it would help a lot to lower the speed limit. Dennis said it's class 3 so it should be a two-way road. The Selectboard agreed to leave the road "as is" for now.
- 17) Schedule meeting to review bids for Rush Meadow Road bridge project – Glenn suggested tabling this item and investigating whether the grant funding can be used on Brook Road instead.
- 18) Consider purchase of mower for Highway Department – Glenn said Mike found a used mower with 1800 hours on it for \$30,000. Glenn said owning a mower would allow for more timely mowing, mowing twice a year in spots, and would provide a back-up loader. Glenn said we're currently spending \$6,500 per year to rent a mower. Glenn suggested using the \$6,500 budgeted for this year to lower the price to \$23,500 and borrowing the rest of the money. There was discussion about the need

to control invasive plant species. **Tom moved to purchase the mower for \$30,000. Bruce seconded the motion, which passed unanimously.**

- 19) Update on adoption of Coaching Lane Extension – Glenn said the town has received the signed easement and the property transfer papers but we are waiting for Snowdance to transfer the property, probably after the foreclosure hearing next week. Bruce asked if the improvements will be made this year. Glenn said that's up to the Highway Foreman. Bruce said people turning around there get very close to the embankment. Glenn suggested delineator posts.
- 20) Emergency access to Resort area – Glenn said he met with Stream Alteration Engineer Todd Menees and placing a culvert in the brook is not acceptable. Glenn said a bridge is necessary but the fire department needs to provide vehicle weights. Glenn estimated the cost at \$50,000 and said the town submitted a Letter of Intent to the state for grant funding. Dennis asked about the location. Glenn said the bridge would be where Bill Yates crosses the brook to mow Mile Long Field, off Route 44 over the right-of-way that serves Tim and Tammy Plausteiner's property. Jim said he contacted Tammy Ellis at the Agency of Transportation (AOT) about weighing the fire trucks. There was discussion about engineering the bridge for the maximum size vehicle that might use it.
- 21) Consider signing contract with Aldrich & Elliott (A&E) for bond vote assistance – Glenn said if we're going to proceed with the village sewer system, we need to schedule a bond vote and apply for grants. Tom said we need to figure out what the school's sewer fees are going to be. After discussion, **Tom moved to sign the contract with Aldrich & Elliott for bond vote assistance. Bruce seconded the motion.** Glenn explained that the \$5,000 for bond vote assistance would increase West Windsor's existing 0% Clean Water State Revolving Fund (CWSRF) loan, which we have to start re-paying in 2018, from \$97,750 to \$102,750. **Glenn called for a vote on the motion, which passed unanimously.**
- 22) Consider amending CWSRF loan to include bond vote assistance from A&E for village sewer expansion – **Tom moved to amend the CWSRF loan to include bond vote assistance from A&E for village sewer expansion in the amount of \$5,000. Bruce seconded the motion, which passed unanimously.**
- 23) Discuss establishing sewer-related agreements with the Town of Windsor, Orange Lake, Snowdance, Windsor House, Upper Loop & Mts. Edge property owners – Glenn said, with the Act 250 hearing next week, we're getting close to finalizing the acquisition of the resort sewer system. Glenn asked Tom and Bruce when they'd be comfortable with the Town Attorney drafting the agreements. Tom and Bruce agreed that sooner is better. Glenn noted that legal fees are over budget.
- 24) Discuss delinquent sewer fees – Glenn asked the Selectboard to authorize the Town Attorney to take four delinquent sewer users to Small Claims Court. **Bruce moved to authorize the action in Small Claims court. Tom seconded the motion, which passed unanimously.**
- 25) Resort water system & Hotel Road – Glenn said he thinks the town can expect to be approached by the Property Owners Association (POA) and Orange Lake about getting involved in the water system and taking over Hotel Road. The Selectboard agreed that the possibility of the town taking over Hotel Road is complicated. Bruce said a lot of upgrades would have to happen. Tom said the resort has a responsibility to make that road more pedestrian friendly.
- 26) Update on fiber optic line extension project – Glenn said EC Fiber is formalizing the pledges they received but, until they reach their fundraising goal, we're in a holding pattern.
- 27) Talc Plant purchase update – Glenn said the Querrey group received their Jurisdictional Opinion indicating that an Act 250 permit is not required. Glenn added that a Development Review Board (DRB) hearing is scheduled for July 29th. Martha said the July 29th hearing is the first step in a collaborative process. After receiving input from the DRB, the applicant will submit a final plan. Tom said he has a project that he would like to review with the DRB in the same manner.
- 28) Consider adopting Purchasing Policy – Glenn said the Town Treasurer is okay with the purchasing policy. **Glenn moved to approve the latest draft of the purchasing policy. Bruce seconded the motion, which passed unanimously.** Glenn said the timing is good because we are renewing our relationship with FEMA and they will probably be looking at our policy.

- 29) Consider increasing pay rate for cemetery maintenance work – Jim Kenyon said the Brownsville Cemetery Association (BCA) approved a new pay rate at their annual meeting and he thinks both cemeteries should pay the same rate. Jim suggested that the Selectboard and the BCA get together and agree on a rate. Tom said the BCA pays \$15 to \$17 per hour. Cathy said the town pays \$12.93 per hour. Tom said there should also be two people working at a time for safety reasons. Tom suggested that the Selectboard meet with the BCA this fall to discuss the pay rate as well as other cemetery matters. Jim said the BCA wrote bylaws years ago but he doesn't know if they were ever adopted.
- 30) Police report – Glenn had no report. Tom reported a theft of copper at the talc plant.
- 31) Other Business – Dog problem: Tom said there's a dog problem that needs to be addressed. Certificate of Occupancy (C.O.): Tom said the state wants the town to withhold a C.O. pending certification by the owner or builder that the structure complies with state energy codes. Tom was concerned about the town's ability to comply with this new statutory requirement. Martha said she already has the energy code booklets and just has to ensure that the certification has been filed before issuing the C.O. Tom said he would like the Planning Commission to look into it. Glenn said Martha has assured him that there are no additional inspections required on her part. Martha said it only applies to structures that include living space. Paving: Tom said the paving on Holbrook Hill and around the library was done today and the paving company did a really good job. Roadside trimming: Tom said he cancelled the roadside trimming that was scheduled to be done by inmates from the correctional facility because of the poison parsnip and the weather. Library: Tom said there was flooding in the library but it will be taken care of. Lister appeals: Tom said the Listers had over 80 appeals and appellants have until July 19th to request a hearing with the Board of Civil Authority if they are not happy with the outcome of their grievance. Tree Warden: Tom said Green Mountain Power is going to meet with him about the Blood Hill project. Tom added that, at this point, only one additional pole is needed on Cowshed Trail for the new house that's going to be built. Tom said with all this rain, Dutch Elm disease is spreading like wildfire. Vault space: Tom thanked Cathy Archibald for working all weekend to rearrange the vault. Fourth of July: Tom thanked Cathy Boedtker and Chris Nesbitt for their work on the Fourth of July. Pond policy: Glenn said the town needs to draft a policy on private ponds draining into roadside ditches because a considerable amount of damage was done during the July 2nd rain event. Glenn said the policy should indicate that pond owners are liable for damage caused by their ponds overflowing. Bruce agreed. Tom said it wasn't the pond, it was the volume of water. Tom said if the pond was permitted by the town, then shame on us. Glenn said pond owners should be asked to find a way to address their drainage issues; we can't continue to ask tax payers to pay for fixing roads that are damaged by poor pond design. Glenn said it is unlikely that FEMA will reimburse the town for damage done by private property drainage. Jim asked about the Ski Tow Road pond. Glenn said it took out a good share of the hill along with the asphalt. Glenn said the drainage gets plugged with debris. Bruce said maintenance prior to the storm might have helped. Glenn noted that the ponds on Kimball Farm Road and Bible Hill Road also overflowed. Tom said the state needs to authorize the Selectboard or the Tree Warden to approve the removal of trees in the brook. Jim said the trees can only be removed if they're within a certain distance of a bridge. Tom noted that the post-Irene rip rap projects experienced no damage in the recent flooding.
- 32) Approve Minutes – June 17th: **Tom moved to approve the minutes of June 17, 2013 as written. Bruce seconded the motion, which passed unanimously.** June 19th: **Tom moved to approve the minutes of June 19, 2013 as written. Bruce seconded the motion, which passed unanimously.**
- 33) Adjourn – **Glenn moved to adjourn at approximately 8:10 PM. Bruce seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison