

WEST WINDSOR SELECTBOARD

Draft Minutes

June 9, 2014

Present: Glenn Seward, Tom Kenyon, Bruce Boedtger, Aaron Gonthier, Jim Lyall, Cathy Archibald, Shirley Ouelette, Mike Spackman, Amy Yates, Martha Harrison

- 1) Call to Order – Selectboard Chair Glenn Seward called the meeting to order at 6:30 PM.
- 2) Changes or Additions – Cady Mausoleum, Bowers Bridge, Hotel spur upgrade project, upper loop engineering updates, status of decommissioning the chairlifts, Dowd-Putman access renewal request
- 3) Sign Town Clerk’s orders – **Glenn moved to sign orders. Bruce seconded the motion, which passed unanimously.**
- 4) Town Clerk/Treasurer’s Report – Cathy had a Letter of Agreement for computer assisted CAMA cost tables (Marshall & Swift) for the Listers, which needs to be signed by the Chair so she can pay the associated annual fee. **Tom moved to authorize the Chair to sign on behalf of the Selectboard. Bruce seconded the motion, which passed unanimously.**
- 5) Announcements/Public Comment – Bruce announced that he is purchasing some property on Coaching Lane Extension from MFW Associates.
- 6) Late fees for unregistered dogs – Tom said he’s not sure if the ordinance has to be changed. After discussing the pros and cons of increasing the fees, Glenn asked Martha to check with VLCT regarding the Selectboard’s authority to change the fees.
- 7) Highway Foreman’s report – Mike reported that people are taking material from outside the Highway Garage. Mike and the Selectboard agreed to address the problem with additional signage. Mike said Daniels Construction offered to give the town the band rail and posts removed from the Bridge #7 site, so he agreed to take them. Tom said the trees should be removed from the Sheddsville intersection project within the next week. Glenn said the town received an email from Chris Bump indicating that it is unlikely that we will receive a structures grant this year. Mike said the highway crew has started mowing, scraping, raking and applying chloride. Mike said he would like to purchase additional cerpack for certain locations using money from the Road Refurbishment Fund. Glenn asked Mike for a list of locations and amounts. Mike asked about state funds for road usage during the bridge closure. Glenn said he will contact Gary Sweeny. Tom said James Bower has made two signs saying “Bowers Bridge” that he’d like to donate to the town. Mike said we need a new “6 ton, 10 ft” sign for the Bowers Bridge because one was destroyed when they were removed. Glenn agreed to contact the sign maker. Bruce asked if there are official highway signs indicating height and weight limits. Mike said yes. Bruce asked about the closure dates for Bridge #4. Mike said the tentative dates are August 1st through 21st. **Dowd-Putman access: Glenn moved to grant a one year extension for the Dowd-Putman access on Churchill Road. Bruce seconded the motion, which passed unanimously.** Sheddsville Road slides: Shirley Ouelette asked if the town is going to do anything about the stream bank slides on Lower Sheddsville Road. Mike said the landowner would have to address the problem since it’s outside the highway right-of-way. The Selectboard agreed to contact the landowner. Glenn suggested consulting with Todd Menees when he’s here on June 19th. Martha said Garrett Mikita is

- interested in either altering or armoring Willow Brook on his property so he will need to consult with Todd as well. Mike noted that Mr. Mikita approached him about the silt, sand, and road material in his pond and asked if there is anything the town can do. Mike said he offered Mr. Mikita some suggestions. Ancient Roads: Glenn noted receipt of a letter from VTrans reminding the town of the deadlines for Act 158 and Act 178.
- 8) Renew Trail Agreement with Sport Trails of Ascutney Basin (STAB) – **Glenn moved to renew the Trail Agreement with Sport Trails of Ascutney Basin. Tom seconded the motion.** Glenn noted that the Agreement has not been changed at all. **Glenn called for a vote on the motion, which passed unanimously.**
 - 9) Discuss ordinance re: ATVs in Town Forest – Glenn noted that the Selectboard was recently notified about an ATV in the town forest, which violates town policy. Glenn said an ordinance would be stronger than a policy and would allow for enforcement by the Windsor Police Department. Bruce said since we are responsible for ensuring that the conditions associated with our Act 250 permit are met, we should consider enacting an ordinance. Glenn agreed and suggested asking the TFC to draft an ordinance for the Selectboard’s review. Bruce said, given that a majority of the TFC members were in favor of allowing ATVs in the town forest, he thinks the Selectboard should draft the ordinance. Tom asked if the statutes offer any guidance. Glenn said we will have to research that. Jim said he has installed “No Motorized Vehicles” signs but many of them have been torn down. Amy asked about fencing the area. Glenn said he thinks that would be cost prohibitive. The Selectboard agreed to look into the implications of an ordinance.
 - 10) Discuss transfer of Coaching Lane Extension from resort to town – Glenn said there will be an estimated \$2,500 in survey work and legal fees associated with the transfer. Glenn added that, until the transfer is finalized, the town cannot assess the property owners on the road for the work that has been done to date. Tom said statute requires that the road be surveyed. **Glenn moved to approve funding for the survey work and legal fees associated with the transfer of Coaching Lane Extension from the resort to the town. Tom seconded the motion. After discussion, the Selectboard agreed to amend the motion to specify that half the costs associated with the survey work and legal fees will come from “Special Projects” and half will be included in the annual assessment on Coaching Lane Extension properties.** Bruce noted that the annual assessment is limited to \$500. **Glenn called for a vote on the motion, which passed with Bruce abstaining.**
 - 11) Discuss ski area situation and effect on town – Glenn said the remaining lifts are being dismantled and it’s highly unlikely that there will be a commercial skiing operation at the resort in the future. Glenn said he is concerned about the impact on property values. Glenn said he had a conference call with the various property owners associations and asked them to encourage their members not to abandon ship. Glenn said the current value of the property and the lifts is about \$2.2 million; when the lifts come off, the value will decrease by about \$1 million. Glenn estimated a potential increase of 2 cents on the municipal tax rate. Amy said, since the news about the lifts was in the paper, she has had two calls from out-of-state property owners asking for the name of a local realtor. Glenn said he plans to attend a meeting of the property owners’ association on July 5th.
 - 12) Discuss status of Trust for Public Land (TPL) grant process – Glenn said the Selectboard is investigating the possibility of acquiring the resort property with grant funding arranged by Trust for Public Land (TPL). Glenn said the town is getting an appraisal, which should be done by the end of June.
 - 13) Authorize town contribution to appraisal and timber cruise costs – Glenn said the appraiser feels that it would be worthwhile to get a forester to assess the value of the

timber on the resort property. Glenn said the Selectboard has already authorized partial funding for the appraisal but needs to decide if we want to increase the amount by \$2,400 for the timber cruise, for a total contribution by the town of \$7,900 from the Conservation Fund. Glenn said he has a letter of agreement from TPL confirming our intent to contribute \$7,900 for the appraisal and the timber cruise. **Glenn moved to sign the letter of agreement. Tom seconded the motion.** Amy asked if timber would be removed from a specific area or from the entire property. Glenn said the cruise will establish the location of the valuable timber. Amy asked the Selectboard to make sure the entire property is not logged. Glenn said the town has very limited influence over forestry practices. Bruce said the timber cruise will simply establish a value for the timber. Glenn said if the deal falls apart and the town does not acquire the property, the owner could implement a harvesting plan, which would be out of our control. Shirley asked how much would come off the Grand List if the town acquires the resort land. Cathy said the land is valued at approximately \$800,000, which translates to \$17,000 in taxes. Glenn said the motivating factor for the town is to salvage the trail system so we can have a desirable recreational use on the property. Glenn said another possibility would be to establish a non-profit co-op ski area on the property. Glenn said TPL cannot pay more than the assessed value for the property so, if the owner wants more, we're done. Tom said for all properties that have a view of the mountain, town ownership would protect their views and their property values. In response to a question from Amy, Glenn explained that TPL would not log the property; they just need to establish the value of the timber because it affects the appraised value of the property. Once we know the appraised value, Bruce said, the property owner will decide whether or not he wants to sell it for that amount. **Glenn called for a vote on the motion, which passed unanimously. Bruce moved to authorize the Chair to sign the letter of agreement on behalf of the Selectboard. Tom seconded the motion, which passed unanimously.**

- 14) Discuss Pedestrian Master Plan update and possible grant opportunities – Glenn said there was a meeting with Mt. Ascutney Prevention Partnership (MAPP) and Southern Windsor County Regional Planning Commission (SWCRPC) about updating the 1999 Pedestrian Master Plan. The update would be paid for with funds remaining from a grant provided by MAPP in 2013. Glenn said there are also grants available for implementing the recommendations of the Plan, once it is updated. Glenn asked if the Plan will be updated in time to apply for an implementation grant this fall. Martha said that's the goal.
- 15) Sheddsville Cemetery – Tom said he met with District Wetland Ecologist Rebecca Chalmers, who determined that the present cemetery access off Schoen's driveway is in a wetland, as are the grave sites beginning with #921. Tom proposed using the excess material from the Sheddsville intersection project to create a new access on the east side of the cemetery, outside of the wetland. Tom said Rebecca flagged the location where an access road could go. Bruce said he would like to get Rebecca's opinion in writing. Tom agreed. Tom said grave sites #926-931 have been sold but they can't be used because they're in a wetland so he would recommend swapping them for sites #908-913. Tom said he has talked to the families who own them and they are okay with that. Tom said Randy Shambo will open up the stone wall where the new access road will go.
- 16) EC Fiber update – Glenn said the route is being reviewed this week and we're waiting for the Town Attorney to weigh in on a draft agreement. Jim asked when service will be available. Glenn said he thinks EC Fiber is planning to have service available along the initial route around this time next year.

- 17) Police report – Glenn said the police report for May is not available yet. Glenn said the fact that the bridge is out will not affect the police presence in West Windsor. Tom thanked the Windsor PD for helping to find a lost dog.
- 18) Correspondence - Peter Welch & Bernie Sanders: Glenn said Congressman Welch and Senator Sanders have both responded to our letter of concern about unfunded federal education mandates. Ascutney Mountain Village Condominium Association: Glenn said he received a letter from the Ascutney Mountain Village Condominium Association requesting representation on the Sewer Advisory Committee. Glenn said he recalls discussing this at an earlier meeting so, if Tom and Bruce agree, he'll let the Association know that they can designate someone. Tom and Bruce agreed.
- 19) Other Business – Status of Act 250 amendment: Bruce said he'd like to see progress on the application to amend our Act 250 permit. Martha said she updated the list of abutters. Bruce asked if the other co-applicants are on board with the amendment. Glenn said they'll want to see a complete application before they sign off on it. Jim agreed to work with Cathy Boedtger to get the information entered on the computer. Glenn said if Jim and Cathy run into problems, he can ask SWCRPC for help. Cady mausoleum: Tom thanked Dave Silvester, Gordon Johnson and Jonathan Johnson for their help with the mausoleum door. Tom said one of the columns is loose and the black paint is peeling. Green Mountain Power (GMP): Glenn said GMP has forwarded a contract for work on the Hotel Road pump stations in the amount of \$3,712.19 and \$3,613.72. Glenn said the work is required to separate the power for the pump stations prior to the town assuming ownership. Noting that the parties served by the pump stations are funding the project and the contract amounts are in line with the estimates from GMP, **Glenn moved to sign the contract. Tom seconded the motion.** Glenn noted that most of the parties have pre-paid for the work. **Glenn called for a vote on the motion, which passed unanimously. Tom moved to authorize the Chair to sign on behalf of the Selectboard. Bruce seconded the motion, which passed unanimously.** Glenn said awhile back the Selectboard authorized the evaluation of the upper loop of the sewer system but additional work was needed. Glenn said the additional work, which included engineering by Aldrich and Elliott in the amount of \$3,900, was discussed with the Sewer Advisory Committee, and everyone agreed to it. Funding for the work will come out of the wastewater account. **Glenn moved to accept Amendment #1 by Aldrich and Elliott related to the upper loop services in the amount of \$3,900. Bruce seconded the motion, which passed unanimously. Bruce moved to authorize the Chair to sign Amendment #1 on behalf of the Selectboard. Tom seconded the motion, which passed unanimously.** Regarding the Hotel Road pump stations, there is an amendment agreement for engineering services related to the electrical portion of the project in the amount of \$8,000. Glenn said, since the parties were billed prior to the receipt of this amendment, he would suggest including it with any change orders authorized over the course of the project. **Glenn moved to approve Amendment #1 by Aldrich and Elliott related to engineering services for the electrical portion of the Hotel Road pump station work. Tom seconded the motion.** Glenn said the \$8,000 is a “not to exceed” figure so we'll pay the bills as they come in and, at the end of the project, we'll send a final assessment to the parties. **Bruce amended the motion to authorize the chair to sign on behalf of the Selectboard. Glenn accepted the amendment and called for a vote on the amended motion, which passed unanimously.** Chairlift removal & upcoming events: Glenn said he has been in contact with Pat's Peak and they will try to minimize the impact of their chairlift removal operation on our events. Snowstorm I: Bruce asked about the status of the pump station, next to the firehouse, that pumps water

for snowmaking and firefighting. Glenn said Mr. Purjes has indicated that much of the snowmaking system has been sold so Glenn sent him an email asking about the status of Snowstorm I and he hasn't heard back. Glenn said he has also heard that there is a prospective buyer for the water system and he doesn't know if Mr. Purjes is considering Snowstorm I part of the snowmaking system or part of the water system, but he's trying to find out. Glenn said Martha has been researching the Act 250 permits in an effort to establish MFW's responsibilities for providing water for firefighting. Mike said the fire department has Act 250 permits stating that the system is for firefighting. Bruce asked if there is an assurance that these issues will be addressed before someone starts removing equipment. Glenn said he hopes there will be a clear understanding of the situation before that happens. Tom noted that Act 250 permits run with the land, not the owner.

Indemnification Agreement: Regarding a draft indemnification agreement for the use of resort property for emergency access during the closure of Bridge #7, Tom asked why there is no end date for the agreement. Glenn said it was open ended by design so it could be used until either party decides that it's no longer needed. Tom asked if it would go with the land or the owner. Glenn said he has not heard from the Town Attorney but it's his sense that it would go with the owner. Pending Matt Birmingham's approval of the agreement, **Tom moved to authorize the Chair to sign the License and Indemnification Agreement on behalf of the Selectboard. Bruce seconded the motion, which passed unanimously.** Glenn said he sent a copy of the Agreement to the town's insurance company.

- 20) Approve Minutes - May 7th: **Tom moved to approve the minutes of May 7, 2014 as written. Bruce seconded the motion, which passed unanimously.** May 12th: **Tom moved to approve the minutes of May 12, 2014 as written. Bruce seconded the motion, which passed unanimously.** May 19th: **Tom moved to approve the minutes of May 19, 2014 as written. Bruce seconded the motion, which passed unanimously.** May 27th (afternoon): **Tom moved to approve the minutes of May 27, 2014 (afternoon) as written. Bruce seconded the motion, which passed unanimously.** May 27th (evening): **Tom moved to approve the minutes of May 27, 2014 (evening) as amended. Bruce seconded the motion, which passed unanimously.** May 28th: **Tom moved to approve the minutes of May 28, 2014 as written. Glenn seconded the motion, which passed unanimously.**
- 21) Adjourn – **Glenn moved to adjourn at 8:00 PM. Bruce seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison