

West Windsor Selectboard
Draft Minutes
May 28, 2015

Present: Dick Beatty, Tom Kenyon, Ted Siegler, Mike Spackman, Cathy Archibald, Martha Harrison, Joe Duncan (Aldrich + Elliott), Chris Bump (VT Agency of Transportation), Michael Blakslee (VT Agency of Transportation), Jason Rasmussen (SWCRPC)

1. Call to Order – Selectboard Chair Dick Beatty called the meeting to order at 8:00 AM.
2. Changes or additions to the agenda – There were substantial changes in the order in which agenda items were discussed and considered. Dick asked if, with the addition of a new member, the Selectboard would like to elect a new chair. Tom and Ted did not want to elect a new chair.
3. Sign Town Clerk's orders – **Tom moved to sign orders. Ted seconded the motion, which passed unanimously.**
4. Town Clerk/Treasurer's Report – Delinquent Dog Warrant: **Tom moved to sign the warrant. Dick seconded the motion, which passed unanimously.** Marshall & Swift Cost Tables: **Tom moved to authorize the Chair to sign the cost tables on behalf of the Selectboard. Ted seconded the motion, which passed unanimously.** Corrected cemetery deed: The Selectboard re-signed a previously approved cemetery deed. Sewer easements: **Tom moved to authorize the Chair to sign the sewer easements on behalf of the town. Ted seconded the motion, which passed unanimously.** Tom said the school would like to have the Selectboard Chair sign the easement for the school since the land is owned by the town. Tom asked if the town will need an easement on the Orange Lake property that includes the pump station. Joe said yes. Joe said the easements are 20' wide, centered on the pipe. Joe said he would like to schedule a 90% meeting the week of June 8th and get bid packages out at the end of June, with construction to begin in August. Joe said most of the main line sewers are in the highway right-of-way but the state would like to see all the individual service easements signed before a bid is awarded. Joe said existing tanks will be pumped and filled with sand or stone after the new service is connected. A few houses will need to be re-plumbed on the interior. There was discussion about responsibility for repairs, which depends on the location of the repair.
5. Announcements/Public Comment - None
6. Highway Foreman's Report – 911 posts: Mike said the additional 911 posts were received last week. Ditching: Mike said ditching with the blower worked well and saved money. New Truck: The new truck is in South Burlington and work on it should start next week. Mowing: Mike said mowing should start within a week or so. Mike said blowing the ditches has to be done after invasive species are mowed to avoid spreading the seeds. Mike said most roads are mowed once but roads that have issues with visibility or invasive species are mowed twice. Brook Road: Mike said Martha talked with Tom Marsh about West Windsor billing Windsor for the work we do to maintain their portion of Brook Road. Mike said he talked with Windsor's Highway Foreman and they agreed that \$1,000 per year is a reasonable annual amount. Dick suggested that we specify the work that West Windsor has agreed to do. Tom noted that the Transportation Advisory Committee (TAC) is meeting at the Town Garage in June.
7. Water System update – Joe Duncan noted the following: A+E has requested emergency status from the state; Ashley Lucht would like to know whether the town owns the water system yet; A+E has done conceptual plans but not design work; the water system has until November 1st to address the issue of the booster pumps in the Base Lodge; A+E has not ordered a new well pump yet because the town does not own the system yet. Joe encouraged the town to be cognizant of the time horizon. Dick asked if the town, as receiver, can address critical water system issues. Joe said he will discuss that with Ashley. Joe reviewed the proposed reconfiguration of the water system. Tom noted that the base lodge cannot be demolished until the system is redesigned and construction is complete. There was discussion about the need for AT&T to move its equipment

out of the Base Lodge as well. Dick said the town has asked AT&T to identify a specific area for the relocation of their tower onto the maintenance garage parcel. Joe described how the water system currently works and the conceptual plans for the proposed changes, including existing and proposed pumps, lines, tanks, valves and pressures. The conceptual plan includes approximately 700' of new 8" line and a small vault structure. Approximately 300' of the 700' of new 8" line is specifically to serve Mountainside Condos. Joe also suggested a fire hydrant in the vicinity of Mountainside, since the existing hydrant runs off the snowmaking system and is not functional. Joe provided a hand-out with engineering, design and construction cost estimates. The total estimated project cost is \$300,000. Joe said the 2" HDPE waterline in the budget is to bypass the booster pump at Mountainside Condos. Joe said A+E's opinion is that the booster pump station and the abandoned well that used to serve Mountainside are not part of the Summit Water Company's water system and are not the water system's responsibility. Joe said 1,000' of 8" PVC is probably more than will be needed for the project but there's a fair degree of uncertainty as to the exact location of things so A+E estimated on the high side. Regarding the PRV, its 20 years old and the water system operator has had problems with it so it will be replaced as part of the project. Joe said the plan is to have the new telemetry system control both the water and sewer systems, assuming the town acquires the water system. Ted asked if water system easements would be needed if the town does not acquire the mountain property. Joe said unless there is other documentation, the water system has prescriptive easements of 20' centered on the pipe. Dick said he believes the proposed contract between the town and the water system contains all the necessary easements. Joe said it should but relocating some of the pipe and adding a small vault structure may require additional easements. Joe suggested confirming with Paul Giuliani that the contract includes the necessary easements. Martha asked if the design has changed at all since the Selectboard's April 10th meeting. Joe said the only possible change is in the location of the vault. Joe said he would recommend an above-ground structure and the ideal location, to reduce the amount of piping required, would be in the middle of a ski slope, which might not work well if a community ski area is still planned. Alternatively the valve structure could be located adjacent to the existing snowmaking structure. Joe said A+E is in a position to move forward on the design if the town is going to move forward with the acquisition. Ted said if the town moves forward with acquiring the system, the next step is to warn a meeting for a bond issue. Joe said yes, and the bond would most likely be at 3% for 20 years through the municipal bond bank, with the DWSRF as the state funding agency. Joe said once it's bonded, the town puts together a DWSRF construction loan application that is integrated with the bond bank information. The bond bank is the lender and DWSRF is the administrator. Joe said a 3% DWSRF loan is \$67.22 per thousand dollars borrowed for a total annual debt service payment by the connected users of approximately \$20,000. Dick asked how many connected users there are. Martha said approximately 270. Dick asked how many of those are "Orange Lake." Martha said about 125. Joe calculated the annual cost per equivalent user at \$75, so Orange Lake's share of the debt service would be approximately \$9,400. Joe said the loan is adjusted to reflect the actual project costs. Joe said the next step is a bond authorization, which would be a town-wide vote on repayment by the users. Ted asked Joe if he has done an estimate of the annual charge per user. Joe said no; that's a next step if the town is moving forward with the bond. Ted said we need to figure that out and then think about what happens if Orange Lake walks away. Ted asked about the estimated annual charge per user, capital v. operating, and the impact on that annual charge if Orange Lake walks away. Ted said he thinks we need to negotiate an agreement with OLCC that they pay their share of the bond issue if they walk away. Joe said we need to know the current rates and the O&M budget. Dick said the current annual rate is \$495 per user. Joe calculated that, if Orange Lake walked away, the annual debt service cost per equivalent user would essentially double. Joe said the town would set up an enterprise fund and the fund would recoup its debt service from its connected users. Dick said it doesn't make sense to talk about a bond vote until we know whether or not the PSB is going to approve the sale of the system to the town. Dick asked if there are

portions of the project the town should proceed with as receiver of the water system. Joe said if it were a \$15,000 repair project, rather than a \$300,000 redesign project, it would make sense to move forward as receiver but the scope of the project is beyond what a receiver would typically take on. Ted asked why the proposal does not address the issue of the two aging holding tanks. Joe said the replacement of the tanks doesn't qualify for emergency funding. Joe said the town could certainly bond for both projects, with a different funding source for the tank replacement. Ted asked for a rough estimate on the replacement of the tanks. Joe said they ran some numbers and came up with a cost estimate of \$260,000 for a two-celled cast-in-place 70,000 gallon tank. Tom asked about the fire-fighting capacity of the system. Joe said the daily water use is between 20,000 and 30,000 gallons per day. The state requires the system to have enough storage to cover one day's water usage, plus a minimum of 500 gallons per minute for two hours (or 60,000 gallons) for fire flow. Joe said, on paper, the Summit Water company has 120,000 gallons of storage but the reality is that there are 60,000 gallons in the low area and 60,000 gallons in the high area and there's no way, in a fire situation, to get 60,000 from the high to the low. In the new design, Joe said, the high area is connected to the low area and the two 30,000 gallon tanks in the high area are replaced with a 70,000 gallon tank, so there are 130,000 gallons available to fight fire. Ted asked about inspecting the tanks. Martha said we have a proposal to clean and inspect the tanks and it sounds like it might make sense to go forward with that sooner rather than later. Martha said Dana Arey's proposal would include thickness testing. Joe said A+E would recommend proceeding with the tank cleaning and inspection because it's going to provide very valuable information. Dick asked how the results of the inspection might affect the proposed project. Joe said if the tanks are okay, A+E might just recommend cleaning and inspecting them every 3 to 5 years. If not, they're recommendation would change. Ted said we should not go forward with a bond issue until we know whether the tanks are good or not. Joe said the system has three needs: disconnecting the booster pump at Mountainside, eliminating the booster pumps in the base lodge, and evaluating the condition of the tanks and figuring out where to go from there. Joe said the town should also come to an agreement with Orange Lake regarding the use of hazardous chemicals within 200' of the well. Tom asked if the upper tanks are going to be on town-owned land if the town acquires the mountain parcel. Martha and Joe said yes. Joe said he will confirm the budget numbers and finalize the 90% report the state needs for emergency funding. Joe said the town should proceed with the tank cleaning and inspection. The Selectboard agreed. Joe said the cost to purchase and install the new well pump is approximately \$15,000, and it takes about 8 weeks to receive it after it's ordered so it makes sense to order it as soon as the PSB approves the sale. Tom asked about next steps. Joe said the town should determine the status of the PSB's approval. Dick said Mountainside petitioned to intervene in the approval. There was discussion about the decommissioning of the well at Mountainside, which will cost about \$1,600. Dick said the tank cleaning/inspection and the projects at Mountainside are small enough to consider doing as receiver. Joe said A+E would recommend cleaning/inspecting the tanks and working through the PSB approval process. Joe recommended entering into an MOU with Mountainside regarding the well and the booster pump, with the work to be done after the sale is approved and the bond vote passes. Meanwhile, A+E will wrap up the engineering report so the state is in a position to approve the emergency project.

8. Consider signing water system planning loan documents – **Ted moved to sign the water system planning loan documents. Tom seconded the motion, which passed unanimously.**
9. Consider proposal to clean and inspect water tanks – **Ted moved to proceed with the cleaning and inspection of the water tanks as soon as possible. Dick seconded the motion, which passed unanimously.**
10. Consider scheduling bond vote on water system improvements – **Tom moved to table this item. Ted seconded the motion, which passed unanimously.**
11. Review draft Bicycle & Pedestrian Plan – Jason Rasmussen reviewed the plan with the Selectboard. Jason said, regarding the goal of providing a safe bicycle and pedestrian connection

between the town hall and the school, a sidewalk on the east side of Brownsville-Hartland Road seems like the best option. Jason presented cost estimates associated with this option, with and without grant funding. Tom said the trustees of the church are in favor of a sidewalk, provided they can still park at the Town Hall and the school on Sundays. There was discussion about drainage issues associated with a sidewalk. Ted asked if the goal can be accomplished with pavement markings rather than a sidewalk, to facilitate plowing. Jason said it would be cheaper but not be as safe. Dick said Ted's idea has merit since it would allow people to park there on Town Meeting day. Tom recommended a crosswalk to the Library. Martha said when people are parked there, anyone leaving the town hall has to pull out into the travelled portion of the road in order to see around the parked cars. Ted said parking could be restricted during certain hours of the day. Jason said the second goal was to facilitate the crossing of Route 44 from the "trail to town." Jason suggested that the town consider reducing the speed limit to 25 MPH, which would reduce the required sight distance and hopefully allow for a crosswalk. Jason noted the state's denial of the town's request for a crosswalk with the current speed limit (30 MPH) and sight distance. Jason also reviewed other, more expensive options. The Selectboard agreed that it makes sense to explore the possibility of reducing the speed limit. Jason said the third goal was to provide a safe pedestrian-bike connection between Seems Road and the Post Office. Jason said, ideally, there should be wider shoulders on both sides of the road. In order to accomplish that, Jason suggested shifting the centerline of the road, which would require engineering and building up the base, which is not cheap. Martha suggested a path through the floodplain on the south side of the road. Chris said the telephone poles are all in the right-of-way but the state can require the phone company to relocate them and then push that shoulder out. Chris said changing the center line is complicated and expensive. Ted suggested paving and marking a two-way bike and pedestrian lane on the north side of the road. Jason will check the standards to see if a bike lane can be bi-directional. There was general agreement that improving the north side of the road would be a lot simpler and less expensive. Dick asked about the town's share of the cost, given that it's a state highway. Jason said he will look into that. Mike said the town has a hand-shake agreement with the District that the state will pave a 4' shoulder next time they resurface Route 44. Ted suggested a 6' shoulder. Mike said you can't get a ditch in there if you have a 6' shoulder. Jason said that's why he suggested a centerline shift, so you can widen the shoulder on both sides. Chris said shifting the centerline is probably the least complicated option, but it's expensive.

12. Consider VTrans bicycle & pedestrian grant opportunities – See Bike & Pedestrian Plan discussion (above).
13. Village Sewer update – Easements: Joe said Nate will send the next batch of easements by tomorrow. Trees: Tom asked if the Selectboard is comfortable with his objection to cutting the trees along Route 44. Ted said yes. Timeline: Joe said he'd like to have a 90% meeting with the Selectboard and the state during the week of June 8th and put the project out to bid by the end of June, with a 30-day bid period and construction starting in August. Act 250: Martha asked if A+E has addressed Sacha Pealer's concerns. Joe said Sacha wants the directional drill under Mill Brook to be at 6' for the entire river corridor, which is 120' wide. Joe said, according to the drillers he has talked with, that's really not possible because drilling through ledge is three times the cost. Joe said Nate is supposed to be contacting Sacha today and, once her concerns are addressed, Act 250 can be finalized.
14. Sewer Connection to School – Dick asked Tom if there is anything Joe needs to address on this item. Tom said no; the school board just wants the Selectboard chair to sign the easement for the school's sewer service since the town owns the land.
15. Annual meeting with VTrans representatives – The Selectboard discussed transportation issues with Chris Bump and Mike Blakslee. Martha said the town sent in the Certificate of Compliance for town road and bridge standards in January. Chris filled out the Annual Financial Plan form with information provided by the Highway Foreman. The amount to be raised by taxes for

highway expenses in 2015 is \$611,225. Mike said the town also voted to put \$30,000 in the Paving Fund and \$60,000 in the Equipment Fund. Chris subtracted those amounts from the town tax funds, and split the expense budget 60/40 between summer and winter maintenance. **Ted moved to sign the Annual Financial Plan. Tom seconded the motion, which passed unanimously.** Chris asked if the town is requesting any grant funds. Mike said yes. Chris explained that the paving grants are awarded based on how much Class 2 mileage the town has and how much paving money the town has received in the past. Chris said West Windsor did not get a paving grant this year. Mike asked where West Windsor ranks on the priority list. Chris said he will send the town a copy of the list. Mike said the town applied for a structures grant for Bible Hill Road. Chris said the District will not award structure grants until after July 1st, but West Windsor has been very successful in getting structure grants in the past. Chris and Mike had some accounting and audit questions. Martha suggested that they talk with the Town Treasurer. Chris said he will ask the District about paving the shoulder between Seems Road and the Post Office. Tom asked about the concrete culverts under Route 44 in that area. Chris said he and Michael will look at them while they're here. Tom asked about the culverts under the Route 44/Brownsville-Hartland Road intersection. Tom said he would hate to see Route 44 get paved and then dug up the following year. Chris said he will try to get an answer on that. Mike asked about Coaching Lane. Chris said the state has the survey and a basic set of plans done but they need to check on the drainage and then they can hand the project over to the town. Tom noted a recent two-car crash at that intersection.

16. Discuss school indebtedness – Tom said the bank has told the school that they have to address their \$200,000 debt before October or the bank is not going to lend them any more money. Ted said they're going to have to reduce expenses or increase taxes. Tom said if three or four tuition students move into town, at \$15,000 to \$18,000 each, it can easily add up. Ted said he doesn't know how recent legislation is going to affect the situation but there isn't much the Selectboard can do except continue to encourage the School Board to deal with the issue. Tom said a falling Grand List compounds the situation; we need to get the Grand List going in the opposite direction.
17. Sump Pump Drainage problem – Tom said the sump pump empties out between the school and the church, on town property. Tom said he'll get a quote from a plumber to have the pipe extended.
18. Sheddsville Cemetery Update – Tom said work on the stone wall will start after the Fourth of July, Mike has agreed to put additional fill at the end, and Bob Farnsworth has surveyed the lots. Tom said the neighbor has requested screening so Tom is going to get a quote on some lilacs.
19. Town Hall Update – Tom said the tower roof work will be done soon.
20. Tree Warden Update – Tom noted that the trees on the south side of Route 44 will not be taken down during the sewer project. Tom said the trees near the Niles property were removed at a cost of \$1,500. Tom said he'd like to negotiate a price with Ted Knox to take down about 19 trees on Rush Meadow Road between now and October 1st.
21. Police Report – Martha said we did get a report but she couldn't print it out. Tom said he continues to hear about speeding near the Ley property and will mention it to the Police Chief.
22. Consider approving proposal for additional phone – Martha said she got a quote of \$290.99 from Key Communications to add a phone and voice mail for our new Zoning Administrator. Tom asked where the new ZA's office is going to be. Martha said for now he is working in the meeting room two mornings a week. Cathy said the town already has six or seven phone lines. Martha said she can contact Key Communications again and ask more questions. Ted said if Preston has AT&T cell service, maybe he doesn't need another phone. Martha will ask him who his cell service provider is. **Tom moved to table consideration of this item. Dick seconded the motion, which passed unanimously.**
23. HMGP buy-out appraisal – Martha said the appraisal came in at \$40,000. Martha said the town is buying the property because it's no longer accessible; rebuilding a bridge that would meet FEMA

requirements for structures in a floodplain would cost more than the property is worth. Ted asked if the buyout is being done with FEMA funds or town funds. Martha said we have a hazard mitigation grant that covers 75% of the cost and the 25% match is being provided by Two Rivers Ottauquechee with Community Development Block Grant funds, so it doesn't cost the town anything. Martha said no action is required unless the town disagrees with the appraisal. Martha said the agency that is administering the grant will prepare an offer based on the appraisal.

24. Act 250 amendment update – Martha said last November the town submitted an application for an amendment to our permit for the trail system. Subsequently we made a couple of changes to our amendment application. Those changes have been shared with District 2 Coordinator April Hensel and the other statutory parties but we have not received approval yet.
25. Review telecommunications easement & revised maps (if available) – Martha said we have a rough map but she thinks AT&T is going to send a more detailed map. **Tom moved to table consideration of this item. Dick seconded the motion, which passed unanimously.**
26. EC Fiber Interlocal Contract – Dick said he has a question about the contract but he has not been able to talk to Matt about it. Dick said the voters approved the loan based on the town having an ownership interest in the facility and he wants to make sure the contract reflects that. Dick said he will contact Matt. There was discussion about recent work being done on the telephone poles and whether or not that is related to EC Fiber. Martha said she heard the work is related to FairPoint trying to boost its presence in the area. Ted said he will ask Dave Halpert for an update. **Dick moved to table this item. Tom seconded the motion, which passed unanimously.**
27. Lease of MFW property for summer events – Martha said Matt offered to draw up the lease but she has not seen it yet and the first event is on June 20th. Dick asked Martha to contact Matt and let him know that the Selectboard would like to sign the lease at their next meeting on June 8th.
28. Consider signing amendment to agreement with Windsor re: sewer system – **Ted moved to sign the amendment. Dick seconded the motion, which passed unanimously.** Tom asked if we're sure 268 is the right number. Martha said yes. Ted asked if we have the money to pay for the additional users. Cathy said yes. Martha noted that the Utility Advisory Committee has not approved the disconnection of the Cunningham Building but the town is no longer billing MFW for it. Martha said the water has been disconnected so the sewer isn't usable, which is the reason for not billing MFW.
29. Discuss expiration of temporary electrical permit for water system – Dick suggested that Martha email Andrew Rea and request confirmation that the electrical permit has been extended until November 1st.
30. Consider draft MOU re: Deer Run Road – **Tom moved to sign the MOU re: Deer Run Road as recommended by legal counsel. Dick seconded the motion.** Ted noted that TPL did not get a community forest program (CFP) grant for the acquisition of the mountain property. Ted suggested the Selectboard table consideration of the MOU. Ted said we need to submit Act 250 and subdivision applications so we need to decide what we're going to do about the acre of land that includes Deer Run Road. Ted said he thinks the town should let MFW keep it and deal with the consequences in the future. Since we didn't get the CFP grant, Ted said he'd rather put more money into the acquisition than into building a turnaround at the end of that road. Tom said the MOU only goes into effect if the town owns the land. Ted said he has spent a lot of time looking at all this and he thinks a judge should decide who maintains that road. Ted said Mountainside's position makes no sense; the best thing that could happen to Mountainside is for the town to acquire the water system and the mountain property and he's perfectly willing to litigate the road issue. Ted said if TPL has to hold the property because we don't have the grant money, they're going to have to deal with the burden of the road maintenance agreement. Martha said Kate has indicated that TPL is not willing to acquire the property with the covenant on it; the covenant has to be removed. Ted noted that another \$75,000 will be needed to deal with brownfield issues, although the town will probably be able to get grants to cover that, whereas MFW could not. Dick said he is not inclined to spend money litigating given that we have a couple of legal opinions

indicating that the covenant will follow us. Dick said that approach could end up costing the town a lot more money. Ted said in addition to taking over the road, we're also agreeing to cap their well and fix their water system, which should be their responsibility. Ted said he is concerned about the impact of this decision on the bond vote for the water system. Dick said if we could get a title insurance company to cover us for any litigation that might arise from carving off the Deer Run Road parcel from the rest of the mountain property, then he would have no problem doing that but he thinks that a title insurance company will see the risk as too great. Dick said he sees the road issue and the water issue as separate and it doesn't make sense to abandon the rest of the constituency who rely on the water system. Dick said he has a problem proceeding in a way that will almost guarantee that the town will get sued when we have a probability of losing the case and doubling the costs. Dick noted that the Mountainside property owners have been mistreated by the owners of the resort on the road maintenance issue for over 30 years so he doesn't see them as the bad guys. Dick noted that MFW has not maintained the road in the past so they're not going to do it in the future. Dick added that if MFW does not pay the taxes on the property and the town forecloses on it, then the town ends up with the property and the road covenant anyway. Dick said we have an opportunity to get rid of the covenant and avoid an unfavorable lawsuit. Ted said another option is to go ahead and acquire the property and resolve this issue later. Ted said if the covenant runs with the full property, the town would only be responsible for a portion of it. Tom said TPL has said they will not close on the deal unless this mess goes away. Ted suggested that the town agree to plow the road for a year, while TPL is holding it. Ted said he doesn't understand why the town is addressing Mountainside's water issues. Martha suggested modifying the MOU. Ted said we need to decide whether or not to carve out the Deer Run Road parcel and he can agree with Dick that it's a mistake to carve it out but he also thinks the Selectboard should not sign the MOU today. Dick said he's not opposed to tabling this issue for the moment. Tom said there's a motion on the table. **Dick called for a vote on the motion, which passed with Tom and Dick in favor and Ted opposed.**

31. Discuss issues associated with acquisition of mountain property – Request for three-phase power easement: **Tom moved to table consideration of this request. Ted seconded the motion, which passed unanimously.**
32. Consideration of approval to apply for Brownfields grant for mountain property – Ted said the town is probably going to have to be a co-applicant on the grant. **Ted moved to authorize the chair to sign an application for a brownfields grant. Tom seconded the motion, which passed unanimously.**
33. Other Business – None
34. Approve Minutes – May 5 and May 7: **Tom moved to approve the minutes of May 5th and May 7th as written. Dick seconded the motion, which passed with Ted abstaining.**
35. Adjourn – **Ted moved to adjourn at 12:20 PM. Tom seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison