

West Windsor Selectboard  
Draft Minutes  
September 12, 2016

Present: Dick Beatty, Tom Kenyon, Win Johnson, Mike Spackman, Cathy Archibald, Martha Harrison, Jason Rasmussen (SWCRPC), Gary Burke, George Calver (VT Standard)

1. Call to Order – Selectboard Chair Dick Beatty called the meeting to order at 6:30 PM.
2. Changes or Additions to Agenda – possible AT&T easement from the Base Lodge to the maintenance lot for electrical power; Brownsville-Hartland Road near cemetery; furnace work; tree removal; utility management; discuss item #6 at next regular meeting because Al Keiller is not available tonight; August police report; Bowers Road encroachment on Burke property.
3. Public Comment – None
4. Town Clerk/Treasurer’s Report – Cathy suggested moving her report and orders to the end of the meeting. The Selectboard agreed.
5. Sign Town Clerk’s orders – See #4 above.
6. Certificates of Occupancy/Conformance: Al Keiller – reschedule for September 26 @ 8:00 AM.
7. Fire Department Capital Budget: Jason Rasmussen – Jason provided the Selectboard with some excerpts from the draft budget, focusing on costly equipment that needs to be replaced in the near future. Dick noted that the projected cost for replacing the tanker and the ladder truck in the next two years is \$500,000. Jason asked the Selectboard to consider whether or not they’re interested in moving the fire station and noted that the fire department received a grant for air packs so that item can be removed from the budget. Jason said the main question is how to fund the equipment that needs to be replaced. Win said he would like to look at the capital budget for the highway department and the fire department together. Win asked how much of the town’s current contribution to the fire station goes to operations. Mike said all of it. Mike said the fire department currently has \$100,000 set aside for the ladder truck. The Selectboard suggested a few changes to the spreadsheet and Win volunteered to work with Jason on the capital budgets. Dick suggested that the fire department consider a donation program to help defray the costs.
8. Correspondence: Kathy Frazer – Dick said, unfortunately, we have to go by the ordinance in determining the number of equivalent sewer users. Win noted that the Selectboard sympathizes with Kathy’s situation but has to comply with the current ordinance, which refers to the state schedule for non-residential uses. Tom noted that the property owner pays nothing for water. **Win moved to send Kathy Frazer a letter. Tom seconded the motion, which passed unanimously.**
9. Inquiry re: Hartford Recycling Center – Dick noted that a resident asked about taking trash and recyclables to the Hartford Recycling Center, rather than the Weathersfield Transfer Station. Win said he thought Tom was going to discuss this issue with the Solid Waste District. Tom said if we’re going to pursue this, the Selectboard should send a letter. Win agreed but said we should find out first whether it’s even allowed. Martha said she called the Hartford Recycling Center but the person in charge was on vacation. Tom said the issue is that we would be diverting tonnage from our district to another district. Win asked Tom who he should contact to educate himself on this issue. Tom said Win should contact Tom Kennedy at the Regional Planning Commission.
10. Application for Public Assembly: Doc’s Draft Hard Cider Tasting on Saturday, September 24 from 10:00 AM until 6:00 PM at the Ascutney Mountain base area – Dick noted that the application was accompanied by a liquor license application for the event. Cathy noted that the town does not allow alcohol at the Town Hall because of the liability. Tom noted that the application for the Vermont 50 Race indicated that no alcohol would be served. Martha said the applicant checked with Mike Silverman, the organizer of the Vermont 50, and Mike had no problem with the proposed cider tasting. Win said he thinks there should be one permit for the event and the event organizer should manage the different vendors. Dick said he thinks it’s a conflict to allow alcohol while everyone is coming in and setting up for the Vermont 50. Win asked if there are insurance implications, or if the town should ask Mike Silverman to be responsible for the cider tasting and indemnify the town. Dick said if we don’t allow

alcohol on town property, we shouldn't make exceptions; now that we own the property, we have the liability. **Tom moved to deny the application. Dick seconded the motion, which passed unanimously.** Win said, in the future, we should tell Mike Silverman that, if there are multiple facets to the event, they should all come in under one umbrella application.

11. Highway Foreman's Report – Bowers Road: Mike suggested discussing Gary Burke's issue. Gary provided the Selectboard with a letter. Gary said the town put a trail on his property without consulting him. Gary said the town does have a right-of-way but it is closer to the brook and got washed out during the flood of 1973. Gary said he had Bob Farnsworth come and place markers on the property line. Mike said the culvert is still in the same place but the trail does swing more to the west as it intersects with Route 44. Gary said he's trying to sell the property and doesn't know how to explain the encroachment to a potential buyer. Mike asked if the right-of-way is 50'. Gary said yes. Win suggested a site visit. Tom asked if there's a survey. Gary said yes; Farnsworth surveyed it while the road was still there so he knew where the center of the road was. The Selectboard agreed to meet at the site on Wednesday, September 14, at 9:00 AM. Tom said he'd like the town to consider purchasing Gary's property. Hotel Road: Mike said the blacktop has been removed from the entrance to the Windham Building parking lot to Skyhawk Lane; the highway department just needs to grade it. Dick said he doesn't think the road should be repaved. Mike agreed. Re-paving: Mike said the two areas where culverts were replaced on Hotel Road and the Brownsville-Hartland Road will be repaved in late September, along with the apron for Coaching Lane. Mike said the highway department also fixed the bump in the road caused by the sewer line near the fitness center. Win asked how they fixed it. Mike said they removed the asphalt and added more material. Equipment: Mike said the loader and grader have been repaired. Mowing & blowing: Mike said they should be done mowing this week and then will start blowing out the ditches. Ditch: Tom asked about the ditch on the Brownsville-Hartland Road near the cemetery. Mike said they're going to use recycled asphalt there when the paving is done.
12. Consider adopting consolidated Speed Limit Ordinance – Martha said according to statute an ordinance passed without a proper traffic study is fine after five years. Martha said she's not sure a study was done, for example, on the resort roads but, since it's been five years, the ordinance is valid. Win asked Martha if she is concerned that adopting a new ordinance might re-start the clock. Martha said yes; she thinks we need a legal opinion. Dick asked about all the roads listed in the draft consolidated ordinance. Martha said some have a traffic study but no ordinance and some have an ordinance but no traffic study. Cathy suggested looking in the ordinance book. Win said the original VLCT model ordinance allowed speed limits to be set based either on a traffic study or abutting land uses, but now there has to be a traffic study. Win said he thinks Martha's concerns could be addressed by noting the original adoption date next to each road. Tom said he'd like to add the word "specific" to Article 3. Tom also suggested noting in the purpose section that the town is establishing or affirming the speed limits. Dick said if we're going to affirm existing speed limits and include their original adoption dates then we have to take out Article 9, which repeals all previously adopted speed limit ordinances. Win asked Martha to revise the ordinance so the Selectboard can re-consider it at their next meeting.
13. Water project update – Martha noted Nate Pion's email asking the town to confirm that we want to permanently discontinue service to the Base Lodge parcel. Win said it was his understanding that we would leave a stub for a future connection if a structure is ever rebuilt on the property. The Selectboard members agreed that they would like there to be a stub and a shut-off for a future connection. Martha will notify Nate. Martha noted that the town got its Permit to Operate and that she copied the Selectboard on her email to Matt Birmingham asking about the easements. Win asked if the town will be totally off Snowdance property when this project is complete. Martha said no. Dick noted that we have an easement. Tom said he thinks the town should run an 8" line to the east, past the Snowdance property line, so we don't have to go back on Snowdance property in the future to upgrade the pipe to Mountainside. Win asked why we would do that if we have an easement. Tom said we don't know what Snowdance is planning to do with the property. There was discussion about the cost of upgrading the pipe to Mountainside. Martha said Nate Pion revised his original estimate of \$160,000; his new estimate is \$75,000. Dick said he thinks Tom's idea to get the 8" line onto town property is a good one. Win asked if the town is contractually obligated to upgrade the line. Dick agreed that we're obligated to do it

- at some point. Tom noted that AT&T is planning to put a temporary structure next to the tower behind the Base Lodge. Win noted that he and Martha talked with Frank Kelley, who was representing AT&T, this morning. Win said, according to Frank, AT&T is going to run underground power for the temporary structure from the pole near the Base Lodge access road, across Snowdance property, and around the corner to the structure. AT&T apparently has permission to proceed from Snowdance. Win said Frank is going to come to the next Selectboard meeting because AT&T would like the town to support their permit application. Win said if there's an ongoing lease, apparently AT&T is buying it out. Tom noted that, in excavating for the booster pump building, the contractor uncovered a drainage culvert that they're going to replace. Win said he plans to attend the water system finance workshop on October 4<sup>th</sup>.
14. Consider signing utility easement – The Selectboard granted an easement to Green Mountain Power (GMP) for the new electric line across town property. **Win moved to authorize the Chair to sign the easement. Tom seconded the motion, which passed unanimously.** Cathy said she will send the easement to GMP along with a check.
  15. Consider preventive maintenance contract with Kinsley Power for generators – Tom asked if our contract with Zaluzny covers preventive maintenance. Tom also suggested checking with Windsor to see who they use for this type of work. Tom said the sewer users should be responsible for preventive maintenance costs and Windsor should be responsible for making sure the maintenance is done as part of our O&M agreement with them. Win suggested talking with Tom Marsh about that. **Tom moved to table consideration of this contract.** Mike asked who would be responsible if the fuel runs out in the generators and there's no way to get fuel here in an emergency. The Selectboard agreed that, as part of the maintenance, someone should be checking to make sure the generators have enough fuel.
  16. Brook Road demolition project update – Martha said the demolition is done and the property owners who allowed their property to be used as a staging area are happy that their property has been returned to its previous condition. Martha said she still needs some paperwork from the contractor having to do with closing the well and shipping the waste and, other than that, we just have to ask for reimbursement. Win said Upper Valley Land Trust is looking into acquiring the easement on the adjacent Crocker property and then accepting this property from the town. There was discussion about whether or not there needs to be a town vote to sell the property.
  17. Update on Town Hall projects – Tom said on October 16<sup>th</sup> at 2:00 PM, the historical society is planning a centennial celebration and has requested the Selectboard's attendance. Tom said the town hall clock will be reinstalled on September 22<sup>nd</sup>. Tom said additional funding is needed for repairing the holes created by the removal of the old heating system. Win asked how much is needed. Tom didn't have an estimate. **Win moved to proceed with the work of repairing the holes. Dick seconded the motion, which passed unanimously.** Win asked Tom to find out if we can use the old furnace room. Tom said when the fire and safety officials come to inspect the repair work, he will ask them.
  18. Other Business – Sewer repairs: Mike noted that the repairs to the sewer system and the access road near Mountain's Edge have been done and he has itemized the costs for Cathy. Tree removal: Tom said he has used up all but \$500 of the tree removal budget. Tom said the property owners on Queen Victoria contacted him about dead trees. Tom asked for \$4,000. **Win moved to authorize spending \$1,000 for one day of tree removal work. Dick seconded the motion, which passed unanimously.** Ascutney Outdoors: Win said he attended a meeting on Saturday at which he heard that Ascutney Outdoors (AO) is no longer interested in purchasing the Cunningham Building because the cost of purchasing it, renovating it and bringing it up to code is too high. As an alternative, AO is once again looking at the burned-out Base Lodge site, which is owned by Snowdance. Win said Mark Blundell, who represents Snowdance, is apparently willing to part with the building for \$1, provided there are no conditions on the sale. Win asked if the voters' authorization, two years ago, for the town to purchase the building is still valid. Dick said he has never talked with Mark Blundell and he has only talked with Dan Purjes once - about demolishing the Base Lodge. Dick said he is hesitant to have the town get involved again in the purchase of the Base Lodge property. Win said he would like the Selectboard to meet with the interested parties and hear what they have to say. Dick said he doesn't mind meeting with them but he doesn't want the town to be stuck with the obligation of tearing the building down. Tom said the state has to issue a permit for the demolition of the building and asked about funding sources. Win said he doesn't know;

this is all new to him. The Selectboard agreed to meet with the interested parties. Utility management: Win said we need to figure out how we're going to manage the water and sewer utilities going forward in a formal structured way. Glass for Town Hall clock: Tom said there's going to be an additional expense of approximately \$5,000 related to the glass enclosure for the clock. Win said we've had a lot of unanticipated projects and he doesn't know where we stand. Dick asked if that's the only additional item related to the clock. Tom said there's some electrical work and some carpentry work. Win asked Tom to put together a budget for all the town hall expenses, along with how much we've spent so far and how much we still need to spend.

19. Review revised Rules of Procedure – Win asked Tom and Dick if they're ready to send the Rules out to the other boards and committees for comment. Martha said she spoke with VLCT this afternoon and they said elected boards (e.g. the BCA and the Board of Abatement) have to establish their own rules of procedure and the DRB also usually establishes its own rules. **Win moved to send the Rules of Procedure to the other bodies for comment before adopting it as the uniform document for those bodies when they are not acting in a quasi-judicial capacity. Tom seconded the motion. The Selectboard agreed to ask for responses within 60 days. Dick called for a vote on the motion, which passed unanimously.**
20. Review revised Event Ordinance – Win noted the changes he made since the last discussion. Tom and Martha had a few suggestions for additional changes. Win said he will bring another draft to the next meeting.
21. Review Conflict of Interest Policy – The Selectboard agreed to table this item.
22. Town Clerk's orders – **Dick moved to sign orders. The motion passed with no objection.** Win asked if the \$1,063.91 is the last payment to Aldrich + Elliott on the sewer project. Martha said they still have to do our "as built" plans but she can ask them tomorrow if there will be other costs.
23. Town Clerk's report – Cathy had a cemetery deed for the Selectboard to approve. **Tom moved to sign the deed. Win seconded the motion, which passed unanimously.**
24. Highway Access – Mike said he was asked about extending a highway access permit. After discussion, the Selectboard agreed that the applicant should re-apply. Mike said the applicant should re-stake the proposed location for the access.
25. Police Report – Win asked if the Selectboard ever meets with the Police Chief. Dick said they meet once a year to discuss the amount of the payment. Win said he would like to meet once or twice a year to talk about things like speed monitoring. Martha will contact the Police Chief to arrange a meeting in October.
26. Approve Minutes – The minutes were tabled until the next meeting.
27. Anticipated Executive Session to discuss personnel matters and property acquisition – Tom suggested taking up this matter on Wednesday. Win said if we're talking about acquiring the Burke property, then that would be appropriate.
28. Adjourn – **Tom moved to adjourn at 9:15 PM. Dick seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison