

WEST WINDSOR SELECTBOARD

Draft Minutes
September 18, 2013

Present: Glenn Seward, Tom Kenyon, Cathy Archibald, Matthew Birmingham (Town Attorney)

- 1) Call to Order – Selectboard Chair Glenn Seward called the meeting to order at 4:30 PM.
- 2) Public Comment – None
- 3) Discuss waiving penalties for late filing of homestead declaration – Glenn said he has a memo from William Johnson, Director of Property Valuation and Review dated 7/11/11. The memo indicates that municipalities have the discretion to assess or not assess the penalties. Glenn said it is his opinion that since the Selectboard did not act to institute penalties, there are no penalties due. Tom said it's his understanding after consulting with the Listers that, before April 1st of each year, the Selectboard has to vote to institute a penalty so people know that there's a penalty for filing late. The Town Attorney concurred. Cathy asked when the Selectboard is going to act on this question every year – at a regular meeting or at Town Meeting. Glenn said it would be a valid question for Town Meeting. Cathy said she asked the Selectboard in August if they wanted to waive the penalties on the late filers and they said no. Glenn said the issue wasn't clear to the Selectboard at the time and, as a result, there was no motion on whether or not to institute penalties for late filers. Cathy said she will send corrected tax bills to late filers with no penalties.
- 4) Discuss delinquent sewer users, notification letter, and coordination of collection efforts with Windsor Town Attorney Chris Callahan – Matt said there is a draft letter and asked if it should go on town letterhead. Glenn said yes; West Windsor is billing, collecting and paying bills as submitted by Snowdance. Glenn confirmed that West Windsor is the designated and duly authorized agent for the collection of sewer fees. Matt said he would have the draft letter to the Selectboard tomorrow. Glenn asked Matt if he could get a progress update from Chris Callahan as well. There was discussion about the impact of the delinquent fees on the transfer of the Windsor portion of the sewer line to Windsor. Matt agreed to contact Chris.
- 5) Discuss the delay of Windsor's adoption of their portion of the sewer line – Glenn said we need a commitment from Windsor along with a written allocation and maintenance agreement to deflect any enforcement action against the Town of West Windsor. Matt suggested a meeting with Tom Marsh and Chris Callahan next week. Glenn agreed. Tom asked if the pump station has an alarm on it. Glenn said Snowdance has installed telemetry in the system which notifies Pathways and P2 Environmental of any difficulties.
- 6) Discuss preparation and timing of the formal sewer allocation, maintenance, and adoption agreement with Windsor – As noted above, Matt agreed to arrange a meeting with Tom Marsh and Chris Callahan.
- 7) Discuss preparation of formal agreement with OLCC, Windsor Building, and Snowdance for certain sewer system improvements – Glenn said we have verbal agreements with OLCC, Windsor Building and Snowdance for them to make improvements to their portion of the system with costs to be shared on a pro rata basis. Glenn said he thinks the town should have an agreement in writing and the parties should deposit money in an escrow account before the improvements are made. Matt asked Glenn to send him a draft agreement, which he will use to craft a memorandum of understanding.
- 8) Discuss ownership transfer of upper loop of sewer system – Glenn asked if this should be addressed prior to closing. Glenn said the plan was to send each party a letter asking them to relinquish any interest they have in the system. Matt said we would have to identify everyone who might have a claim and then get them to release it. Matt said the town should not have to do that. Glenn suggested calling Chris Dugan and Nate Stearns and asking them to get affidavits that no one has any interest in the system. Matt agreed to contact them.
- 9) Discuss bond vote for village sewer and related pollution issues – Glenn said Mill Brook pollution issues have been identified through water testing and we're working on a grant application which

could provide a considerable amount of funding for a village sewer project if the voters approve it. Glenn said it looks like the bond vote would be the week after Town Meeting. The advantage to waiting is that we should have an indication about grant funding by then. Matt said if it's an Australian ballot you won't be able to discuss it at Town Meeting. Glenn suggested an informational meeting prior to Town Meeting. Matt agreed.

- 10) Discuss possible legal action regarding ATV use in the Town Forest – Glenn said there is some interest in opening the town forest to ATV use. Right now, Glenn said, motorized vehicles are not allowed but there are going to be a couple of public forums to discuss the possibility of changing that. Glenn said he has heard that there is a group considering legal action against the town if there is restricted use of public property. In addition, Glenn said, at a recent meeting to discuss the possible relocation of the trail connecting the town forest parking area to Kimball Farm Road, the adjoining property owners were adamantly opposed to the relocation of the trail and the use of the trail by motorized vehicles. Tom added that they also indicated that they would take legal action if necessary. Matt said the state has wide-ranging restrictions against motorized vehicles in a lot of their forest. Glenn said the existing Act 250 permit for the trail system specifically states that there will be no motorized vehicles so we would have to request an amendment to the permit to allow ATV activity.
- 11) Discuss possible legal action relating to the recent reappraisal – Glenn said he met with a disgruntled property owner who objects to the “neighborhood” concept and views it as discriminatory. Matt said he thinks the exclusive remedy is an appeal to the Listers and then the Board of Civil Authority.
- 12) Discuss grant opportunity for acquiring ski area acreage – Glenn said the town is investigating a grant opportunity for acquiring ski area acreage to be included in the town forest. Glenn said if the town could acquire the 290 acres containing the trails – no infrastructure – and lease them to a ski area operator, it would reduce the operator's debt service costs and make the ski area more viable. Glenn said MFW is interested in a hybrid co-op type of arrangement and this could fall into that category. Matt asked if there is an auction date yet. Glenn said no; he has been inquiring about that. Glenn said he doesn't know what will come of the grant opportunity but he wanted to make Matt aware of it. Matt suggested contacting Haystack and Magic Mountain which have implemented successful co-op arrangements.
- 13) Other business – Matt asked about the right-of-way off Route 44 for emergency access to the resort. Glenn said the town is waiting for information from the fire department about the weight of their trucks so we can get a bridge design, estimate costs, and find the money before proceeding with the project. Matt asked if the right-of-way belongs to Snowdance and if they are willing to assign it. Glenn said yes.
- 14) Adjourn – **Glenn moved to adjourn at 5:15 PM. Tom seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison