

West Windsor Selectboard
Draft Minutes
January 12, 2015

Present: Glenn Seward, Bruce Boedtke, Tom Kenyon, Shirley Ouelette, Aaron Gonthier (Windsor on Air), Ham Gillett, Mary O'Brien, George Calver (VT Standard), Jim Lyall, Mike Spackman, Cathy Archibald, Martha Harrison

- 1) Call to Order – Selectboard Chair Glenn Seward called the meeting to order at 6:15 PM.
- 2) Changes or additions to the agenda – Lustberg trail agreement, letter to legislators re: grant funding
- 3) Act 148 – Ham Gillett from the Southern Windsor/Windham County Solid Waste District was present to provide an overview of Act 148 – Vermont's universal recycling law - and its implications for towns. There is only one landfill left in Vermont and it's filling up so the state would like to boost the recycling rate from 34% to 50 or 60%. By July 1, 2015, the District is required to set up variable rate pricing, which the District is already doing by charging per bag of trash. In addition, all private haulers have to file with the district, institute variable rate pricing, and pick up recyclables from their customers at no charge. Transfer stations have to accept aluminum, tin, glass, #1 and #2 plastics, paper, cardboard, and newsprint at no charge. Beginning on July 1st, towns will have to have a recycling bin next to every trash can. On July 1, 2016, there will be a ban on all leaf, yard and clean wood debris; and in 2020, there will be a ban on food scraps. Mary said the District has drafted a Solid Waste Implementation Plan (SWIP) on behalf of its member towns. Paints, both oil and latex, can now be recycled for free at Bibens, Sherwin Williams and Lavalley's in Ludlow. Alkaline batteries will also be recycled at the Transfer Station beginning on January 1, 2016.
- 4) Sign Town Clerk's order – **Tom moved to sign orders. Bruce seconded the motion, which passed unanimously.**
- 5) Town Clerk/Treasurer's report – None
- 6) Announcements/Public Comment – None
- 7) Discuss and act on matters related to Base Lodge Fire including, but not limited to, water system, fire protection and communication issues – Glenn said the Base Lodge burned last Thursday and Friday but the water system is basically intact, although there are some electrical issues related to the reservoir building and telemetry. To pay for anticipated repairs, Glenn suggested using funds from the utility escrow account. Glenn said the Utility Advisory Committee authorized the use of up to \$10,000 for emergency expenses. Glenn said negotiations to purchase the water system have continued throughout this ordeal and the town has a draft purchase and sale agreement. As a result of the fire, the agreement has been modified to assign the town approximately \$52,000 in past due receivables and \$2,400 in outstanding payables. Each party would cover its own legal fees. **Glenn moved to authorize immediate payment of those expenses in the amount of \$2,400 out of the utility escrow account. Tom seconded the motion.** Glenn noted that, because the water company has no money, the Public Service Board (PSB) has been extremely helpful in moving this transaction along. The town anticipates that the PSB will issue an emergency order shortly. Tom asked if there will be more payables. Glenn said \$2,400 is the limit of the town's exposure for any past due payables. Going forward, Glenn said, it is likely that there will be additional payables to keep the system operating. Tom asked if Green Mountain Power (GMP) is still going to turn off the power. Glenn said no, thanks to Dave Winslow at GMP, there will be no power shut off. Shirley asked why the town is paying bills for a system that it doesn't own. Glenn said the Selectboard is confident that the town will own it in a matter of days and legal counsel has advised the town to go ahead and pay the bills so as not to jeopardize public health. Glenn said the company that controls the water system has no funds. Shirley asked why the company has no money. Glenn said the water rates have been too low for years and the company failed to pursue over \$50,000 in receivables. Shirley asked how we know that people will pay their bills when the town owns it. Glenn said the town can use aggressive

collection policies. Tom said the money that is being used to pay the bills is from the utility escrow fund, which comes from the users, not the taxpayers. Shirley asked if the base lodge is part of the purchase. Glenn said no. Tom said some important parts of the water system are in the Base Lodge. **Glenn called for a vote on the motion, which passed unanimously.** Glenn said Aldrich + Elliott, the town's engineers, will start preliminary engineering work on improvements to the water system using state loan money, with priority being given to moving the pumps and controls out of the Base Lodge. **Glenn moved to execute an application for a Drinking Water State Revolving Fund planning loan in the amount of \$6,000. Bruce seconded the motion, which passed unanimously.** Glenn noted that all repairs and engineering costs will be repaid by the users of the water system. Glenn added that, as soon as the town owns the system, a special assessment will go out to users. Regarding the Base Lodge, Glenn said town counsel is trying to determine the ownership of the building, which is murky. Glenn said MFW Associates, the party that foreclosed on Snowdance some time ago, has indicated that the building is not insured and that Snowdance is the owner. Glenn said the building is a total loss despite the efforts of our fire department and fire fighters from the surrounding area. Glenn added that the cause of the fire is unknown, but the investigation continues. Glenn said thanks to the efforts of AT&T and Industrial Communications, a replacement cell tower is up and running. Glenn said town counsel is guiding the Selectboard on how to deal with the health and safety hazards associated with the situation. Glenn said the Selectboard has been investigating procedures for demolition and the process is not simple; there are environmental assessments and permits involved. **Glenn moved to authorize the expenditure of \$1,000 for an environmental assessment of the Base Lodge so the town has a clear idea of what's involved in having the property cleaned up. Bruce seconded the motion.** Glenn said the town has been talking to Harper Environmental about doing the assessment. Glenn said he is hopeful that another party will deal with this mess but he doesn't think anyone is going to step forward willingly, so we need to find out more about the hazards. Glenn said nobody wants the town to pay for anything up there but we have to protect the health and welfare of the community. Shirley was concerned about how much it's going to cost and who's going to pay for it. Glenn said that's one reason why this assessment should be done, to find out what's going on up there. Glenn said there will also be environmental assessments done before we acquire the 470 acres. Shirley asked if the town can legally remove the water system components from the Base Lodge without knowing who the owner is. Glenn said the town will secure easements from multiple parties to ensure that we can access the water system equipment. Glenn said the municipality has a lot of latitude in dealing with a public health issue. Shirley asked where the equipment will be relocated to. Glenn said the engineers will figure out an appropriate location. Shirley asked what kind of fire protection was up there. Mike said after the structure was closed, he wrote a letter to the owner about the fire department's concerns and conditions. One condition was that the building be boarded up because there was no longer a functioning fire suppression system in it. Mike said he informed the owner that if a fire occurred, they would not risk the lives of fire fighters by fighting it from the inside. Shirley asked if there is power in the Cunningham building. Mike said he doesn't know. Bruce said he thinks it's prudent to gather the information needed to make a decision. Tom complimented the fire department on preserving the water system equipment. Bruce asked how long the environmental assessment will take. Glenn said it will probably happen within a week. **Glenn called for a vote on the motion, which passed unanimously.** Glenn noted that the town has not acquired the property and will not do so until due diligence has been done and the Selectboard has determined that the acquisition is in the town's best interest.

- 8) Consider signing 2015 Town Meeting warning – **Tom moved to sign the 2015 Town Meeting warning as drafted. Glenn seconded the motion.** Cathy noted that Article 9 has been added, regarding a restroom for the library. **Glenn called for a vote on the motion, which passed unanimously.**
- 9) Highway Foreman's Report – 911 signs: Mike said the public roads are 75% done. Blower: Mike said the blower has been ordered. Bowers Bridge: Mike reported that the Bowers Bridge has been hit again, but he has not assessed the damage yet. Fire: Mike thanked the fire departments from our

neighboring towns for their support and assistance during the fire at the Base Lodge. Mike is working with investigators who are trying to determine the cause. Mike had girders removed because they couldn't get to the fire, but they had to give up eventually because nothing could be gained by putting lives at risk. Tom thanked the Kinney family and the Brownsville General Store for providing food and coffee for the fire fighters. Mike said Reading Auxiliary also provided food and Pizza Chef delivered a stack of pizzas.

- 10) Consider signing Certificate of Highway Mileage – **Tom moved to sign the Certificate of Highway Mileage. Bruce seconded the motion, which passed unanimously.**
- 11) Discuss and act on matters concerning resort property acquisition – Glenn said there is nothing to discuss or act on at this point. Glenn said the town should have an asset purchase agreement for the water system soon.
- 12) Village sewer update – Glenn said the house surveys are being completed and the Act 250 permit is almost ready to submit. Glenn suggested signing a letter to our state representatives requesting their support for our pollution abatement grant. Bruce and Tom agreed.
- 13) Schedule public hearings – The Selectboard scheduled a public hearing on changes to the zoning regulations for Monday, February 2nd at 6:30 PM, and a public hearing on the addition of a Flood Resilience chapter to the Town Plan for Tuesday, February 17th at 6:30 PM.
- 14) Consider draft letter to District 2 Coordinator – **Glenn moved to sign the letter to April Hensel, District 2 Coordinator, requesting that the town be allowed to use pressure treated wood on the proposed trail bridges. Bruce seconded the motion, which passed unanimously.**
- 15) Police Report – Glenn said in August, we had a total of 45 incidents; 56 in September; 40 in October; 37 in November; 35 in December.
- 16) Other Business – Lustberg Trail License: **Glenn moved to accept the Lustberg trail license. Bruce seconded the motion, which passed unanimously.**
- 17) Approve minutes – December 19th: **Glenn moved to approve the minutes of December 19th as written. Bruce seconded the motion, which passed unanimously.** December 22nd: **Bruce moved to approve the minutes of December 22nd as written. Tom seconded the motion, which passed unanimously.** December 29th: **Tom moved to approve the minutes of December 29th and 31st as written. Glenn seconded the motion, which passed unanimously.** January 6th: **Bruce moved to approve the minutes of January 6th as written. Tom seconded the motion, which passed unanimously.** January 9th: **Tom moved to approve the minutes of January 9th as written. Glenn seconded the motion.** Glenn noted that he would like to clarify the motion he made at the January 9th meeting by adding “if deemed in the best interest of the town by unanimous vote of the Selectboard.” Tom and Bruce agreed to the addition. **The motion passed unanimously.**
- 18) Adjourn – **Tom moved to adjourn at 7:27 PM. Glenn seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison