

West Windsor Utility Advisory Committee Meeting, July 17, 2015, Brownsville Town Hall, VT
Draft Minutes

Call to Order: Quorum established 4:10 p.m. with committee members Ralph Bailey (Orange Lake), John Bossen (POA), David Leavitt (Mountainside), Mary Vitullo (MFW), and Jeff Nelson (Mt. Edge) present in person or by teleconference. Committee member Steve Hawco (alternate, Mountainside) joined meeting late. Select Board member Tom Kenyon, Town Administrator Martha Harrison, and Clerk Connie May also present.

Additions to agenda: Water quality report, need for vice chair of committee.

Public comment: None.

Minutes of last meeting: Motion made to dispense with reading of minutes. Seconded. No discussion. Motion passed unanimously.

Proposal for new computer, software and monitor: Computer purchased. John Bossen will check with Cathy Archibald to be sure all working properly.

Results of inspecting and cleaning of two water tanks. Inspection completed. Tanks look good. Would have cost \$300,000 to replace tanks, so \$10,000 to inspect and clean well spent. We should follow State recommendation for inspection every five years.

Timeline, status and impact of final acquisition of water system: Town can't acquire water system until Public Service Board (PSB) Hearing, or until Mountainside withdraws its intervention. Then we must have bond vote which requires 30-day warning period. Loan must be in place, permits issued, and then go to bid. Loans will be repaid by water users. May be able to have 21 versus 30 day waiting period after that. By then, may be mid-November.

Mountainside attorney sent revisions to MOU to Town Attorney Matthew Birmingham before going on vacation. Matthew was out July 10th to 13th, received revisions on the 14th, and is now reviewing. MOU addresses issues other than water system issues. Select Board meets again on July 27th. *Motion* made to advise Select Board to pursue the PSB Hearing as soon as possible. Seconded. Discussion: Atty. Paul Giuliani will be representing Town at the Hearing. Vote taken by individual count: 4 yes votes, 1 no vote (Leavitt). Motion passed.

Motion: To waive notice if emergency meeting necessary to discuss PSB Hearing and moving ahead with acquisition of water system. Seconded. Discussion: Town is very concerned about situation. We don't believe MFW wants to maintain water system. For all users and potential users, we need to resolve issues and move ahead with acquisition. Motion passed unanimously.

Timing and costs for removing pumps from Base Lodge and modifications: Concern expressed about going through another winter with water flowing through equipment in base lodge. Concern also expressed about pump at well head near tennis courts. If pump dies, we have no back-up. As Receiver, Town doesn't own system but must still do what's good and right to preserve asset it would be acquiring through acquisition. Could we ask Matthew Birmingham if Town as Receiver purchase a back-up pump for main well? Engineers A&E's recommendations not yet finalized, and therefore not in form to go out to bid. *Motion:* Provided funds are available, to recommend that Select Board proceed with pre-purchase steps to acquire pump for well head, and such moneys as needed to come from operating fund. Seconded. Discussion: Jeff Nelson talked to A&E. Pump they are considering is oversized for existing system, but is appropriately sized for future, expanded system, and we can throttle the pump back meanwhile. Motion passed unanimously.

Water system connections at Mountainside: Topic tabled; we are waiting for attorneys' responses to revisions to MOU, and for PSB Hearing.

Sewer and Water budget v. cost: Treasurer's report – Water system checking account contains \$6,332.02; money market account contains \$80,017.32. John Bossen will have figures for legal fees at next meeting. Sewer system

checking account has \$12,352.12; money market has \$122,639.94. Three users still outstanding on sewer bills, but 101 users up-to-date.

Additional TV work on sewer line: A&E and Hardigan will be on site July 28th and 29th to do TV work. Proposed cost for this work given last April was \$14,400. This will be paid out of Capital. Hopefully result of work will be more good news about condition of system.

Request to disconnect from Cunningham Building: There are between 3 and 4 sewer connections in that building. Sewer ordinance declares that no one can come off connections without an extreme reason. Base Lodge was disconnected because owner promised that building would be razed within 36 months; then fire occurred. Base Lodge had 20 sewer connections. Water turned off at Cunningham's so sewer non-operational in any case.

Worry expressed that if we recommend approving request to disconnect sewer, precedent will be set. Someone could just disconnect from water and walk away from sewer fees. Users burdened already by covering cost of loss of Base Lodge and Cunningham's from water system and Base Lodge from sewer system. Should we recommend revision of ordinance to define disconnect process and fees?

Motion: To recommend to the Select Board members that they approve Cunningham's disconnection from sewer system without charge. Seconded. Discussion: Point made that ordinance's intent is to protect users, and committee should make recommendations in that spirit to the Select Board, which always has right to override committee's recommendations. Point made that Cunningham's is still habitable, while Base Lodge is not. Water service in Cunningham's shut off to avoid damage due to lack of heat and connections being altered by MFW for removal of ski lifts – nothing stopping MFW from fixing connections and turning water in building back on. Point also made that physical disconnection of sewer not advisable; allows for physical infiltration.

Engineers have stated that base fee should depend on anticipated usage, and Cunningham's not being used; but how can that be figured for condo owners who are only here, say, the equivalent of 4 weeks/year? Comment made that "You pay to flush, whether there or not."

Disconnect, connect and re-connect fees discussed. We have connection fees but not disconnection fees, which speaks to need for a tightening of regulations. Patricia Beavers said it costs \$150 to disconnect water from a building; we could add an administrative fee on top of that. We are researching what Windsor charges, if any, for sewer disconnection. Point made that if we charge a connection fee of a new structure, why should we not charge a re-connection fee for an existing structure that disconnected? The Select Board instituted a connection fee of \$2,000 for new structures; and there should be the same fee of \$2,000 for re-connection of existing structure that had disconnected. If Cunningham's allowed to disconnect, and then requests to re-connect, that would mean \$6,000 in re-connection fees for 3 connections. Calculating loss of fees for the years Cunninghams and Base Lodge not using systems, it results in a \$17,000 to \$18,000 loss of fees, or 10-12% increase in users' rates.

Question called. Vote taken by individual count. One in favor (Vitullo); four against. Motion did not carry.

Disposition of final Sewer Ordinance We approved version that was agreed upon with Act 250, but with some minor changes as to makeup of the WWUAC. Select Board is reviewing that version. Committee asked Select Board to address this matter sooner rather than later.

Other business:

- Connie May agreed to remain as Clerk until further notice.
- Patricia Beavers said that quality of water is good.
- Suggested topics for next meeting agenda:
 - Need of Vice Chair for committee.
 - Expansion of scope of engineers to assess operational capacity of fire-fighting capability of snow-making system.
 - Addition of fee for disconnection of sewer in emergency, and changes in ordinance to address this issue.

- Addition of fee schedules for connecting and disconnecting to Ordinance, with inclusion of wording that fees can be adjusted as needed. Fees should also include costs of additional, related costs such as digging, etc.

Next meeting: August 17th, 4 p.m. by teleconference. Comment made that we aren't getting enough participation on part of committee members. In person meetings more effective, but most meetings occur by teleconference. Adjustments can be made to times of meetings if that would improve participation. John Bossen asked for suggestions from members.

Motion made to adjourn. Seconded. No discussion. Motion passed unanimously. Meeting adjourned at 4:52 p.m.