

West Windsor Selectboard
Draft Minutes
April 23, 2018

Present: Brett Myers, Win Johnson, Matt Kantola, Mike Spackman, Tom Kenyon, Martha Harrison, Bill Young, Deb Shearer, Jim Barlow, Cathy Archibald, Michael Bell, Bob French, Rudy Gross, Bruce Boedtke, Erik Boedtke, Jeff Thomas, Cody TanCreti, Glenn & Shelley Seward, Bob Norris

- 1) Call to Order – Selectboard Chair Win Johnson called the meeting to order at 6:30 PM.
- 2) Changes or additions to the agenda – Win wanted to expand item #8 to a general discussion of the town’s animal control ordinance. Cathy had liquor license applications.
- 3) Announcements/Public Comment - Tom will give an update on Sheddsville Cemetery under “Other Business.” Bruce Boedtke said he would like to be considered for the opening on the Development Review Board. Win said he is going to talk with Shannon Harrington about interviewing the two candidates.
- 4) Review revised Sewer Ordinance – Win introduced Jim Barlow, the attorney who has been assisting the town with its utility ordinances. Jim said he was able to shorten the ordinance by being more efficient with language. Some of the additional changes: Jim made the document both internally consistent, and consistent with the water ordinance; definitions that weren’t used, or that were self-explanatory, were removed; the delineation between the public and private portions of the system was clarified; responsibilities were more clearly defined; connection requirements were clarified; sewer allocation application and connection provisions were aligned with the application and connection provisions of the water ordinance; funding mechanisms were clarified; a provision was added to allow for the disconnection of water if there are delinquent sewer charges; the capital planning process was aligned with the process in the water ordinance; and penalty provisions were aligned with the water ordinance and state statute. Win said the Utility Advisory Committee met this afternoon and requested more time to review the revised sewer ordinance before the Selectboard adopts it. Win said, if it’s okay with Brett and Matt, the Selectboard will put the sewer ordinance on its May 28th agenda. Brett and Matt agreed. Win noted that Martha is still working on revised application forms and a fee schedule. Matt asked if we’re thinking about changing our fees. Win said we could if they’re not consistent with the water fees. Martha said she’s looking at the allocation and connection fees, not the quarterly fees for service.
- 5) Town Clerk/Treasurer’s Report – Cathy gave the Selectboard two liquor license applications from Orange Lake. **Matt moved to approve the applications. Brett seconded the motion, which passed unanimously.**
- 6) Sign Town Clerk’s orders – **Brett moved to sign orders at the end of the meeting. Matt seconded the motion, which passed unanimously.**
- 7) Review Financial Statements – There was brief discussion about audit expenses. Win noted that we haven’t received our first quarterly bill for law enforcement.
- 8) Pierce dog bite/Animal Control issues – Win said there have been three issues over the past six months having to do with a barking dog, uncontrolled geese, and a dog attack. Win noted that the owner of the dog involved in the attack did finally have the dog vaccinated and registered, but the Selectboard has not had much success in addressing the neighbor’s other concerns about the dog. Win suggested a major update of the town’s Animal Control

Ordinance. Erik Boedtger said he has had an issue with his neighbor's geese for six years. Initially, his neighbor had four geese and now has thirty, as well as ducks, which have bitten people and caused a lot of property damage. Erik said he has talked with his neighbor who has agreed to control the geese and ducks but nothing has happened. Erik said he called Win and Win talked with the neighbor, but that made no difference either. Erik said he has also talked with the Game Warden, a detective, a police officer and the Police Chief. Erik said, according to the Police Chief, based on the wording in the town's ordinance, there's nothing he can do. Erik said an update of the ordinance to include all domestic pets would enable the police to enforce the rules. Win said West Windsor's ordinance addresses dogs, wolf hybrids and "other domestic animals as designated by the Secretary (of Agriculture)." Win said he contacted the Secretary's office and asked if geese are considered "other domestic animals." After a long conversation, Win said, he thinks the answer was "yes." Erik suggested involving local law enforcement in reviewing the updated ordinance. Constable Bill Young confirmed that the geese and ducks are wandering all over the place. Bill said the owner of the geese and ducks built an enclosure about four feet high but there's no roof so it's not effective. Win suggested asking Jim Barlow to update our Animal Control Ordinance based on VLCT's model and state regulations and then circulating the draft for comment. Win said it makes no sense that towns are mandated to charge such small fees for delinquencies that no one is motivated to comply. Matt suggested that Win talk with the Police Chief about enforcing the ordinance if geese are considered "domestic animals." Win had no objection but said he thinks the Chief would welcome an ordinance update. Rudy said he has called the police about barking dogs and the police responded but said there's nothing they can do unless nine additional neighbors file a complaint. Rudy said he understands that the police have more important things to deal with but we need an ordinance that tells people they cannot have five yapping dogs in their yard at 10:00 PM. Rudy noted that the geese were getting into a neighbor's compost pile and, when the neighbor complained to the owner of the geese, he was told he should put a higher fence around his compost pile. Rudy said if anyone's going to build a higher fence, it should be the people with the geese and the ducks. Win said, if Brett and Matt agree, he would like to ask Jim to update the town's ordinance to include geese and to clarify if possible that a dog bite, even on the owner's premises, is an actionable offense. **Brett moved to ask Jim Barlow to update West Windsor's Animal Control Ordinance for a fee not to exceed \$500 to start with. Matt seconded the motion, which passed unanimously.**

- 9) Ascutney Outdoors' sewer connection – Glenn said some time ago, when MFW/Snowdance owned the Base Lodge, they asked the Selectboard to waive the sewer fees and the Selectboard agreed to do so provided the sewer was physically disconnected from the system. At this point, Glenn said, Ascutney Outdoors (AO) would like to investigate what is necessary to re-connect it. Win asked if the investigation would be on AO property. Glenn said no; it would be in the vicinity of the manhole by the skier bridge in the "recreation infrastructure area" (AKA parking lot) next to where the kiosk was. Glenn said they need to dig it up to see what condition it is in. Glenn added that AO would have the Town of Windsor, West Windsor's sewer operators, present. **Brett moved to allow Ascutney Outdoors to proceed with the investigation. Matt seconded the motion, which passed unanimously.** At some point, Glenn said, AO would also like to discuss the current water and sewer rates as they pertain to AO.

- 10) Ascutney Outdoors' EC Fiber connection – Glenn said when EC Fiber was making plans to serve West Windsor, the Selectboard negotiated free service for town buildings, including the Fire Department, Historical Society, Library, Town Hall and Highway Department. Glenn said since AO is the non-profit entity responsible for the Town's property, would the Selectboard consider the AO Center a town building, eligible for connection and service at no charge. Win said he thinks that's a question for EC Fiber. Glenn asked if the Selectboard would be supportive of the request. The Selectboard members said they would. Glenn said they are trying to keep expenses low to ensure that AO is sustainable. Win said he thinks the most the Selectboard can do is endorse AO's request.
- 11) Request to use maintenance parcel for T-bar construction staging area – Glenn said engineering is underway and a contractor has been engaged so AO needs to get the equipment in a location where it can be painted and repaired prior to its installation. Win asked Mike what he thinks. Mike said this is the first he has heard about it. Win suggested that Glenn talk it over with Mike.
- 12) Request to paint wood walls on skier bridge over Ski Tow Road – Glenn said they would like to paint the skier bridge walls forest green, the same color as the AO Center and would purchase the paint and provide volunteers to do the work. Win asked Michael Bell about his proposal, last year, to have murals painted on the concrete walls under the bridge. Michael said he can't take that on at this point. Glenn said he'd like to have the road closed for half a day to do the work, if that's okay with the Highway Foreman. Mike said he has no issue with that. Rudy asked if Glenn could also cover up the graffiti under the bridge. Win said the town would consider contributing the funds to paint over the graffiti.
- 13) Green Mountain Power easement through Ski Tow Road parking area – Glenn said AO would like to have a 200' three-phase power line constructed under the parking lot to provide electrical service for the warming hut and the tubing lift. Glenn said there will also be multiple receptacles available for events like the Fourth of July and the Ragnar Race. Win said there are two poor quality water lines under the skier bridge, which the town may want to replace before they break. Win asked if the re-location of the warming hut and additional investment in the site would interfere with re-routing the water pipes. Glenn said the electric line would be buried 36" so any water line would be below that. Win asked where the electric line would go. Glenn described the location. Win asked when the work would be done. Glenn said as soon as possible. **Matt moved to authorize the Chair to sign the easement to allow Green Mountain Power to construct an electric line on the town's property. Brett seconded the motion, which passed unanimously.**
- 14) Event application: Cody Tancreti & Jeff Thomas for "Brave Challenge," an obstacle course race for people with disabilities at the Ski Tow Road parking lot on September 22nd from 8:00 AM until 4:00 PM – Win said he and Glenn are going to try to come up with some changes to the town's lease with Ascutney Outdoors to make the event application process easier. The applicants confirmed that there will be no alcohol served in connection with the event. **Brett moved to approve the event and facility use applications for the "Brave Challenge" event. Matt seconded the motion.** Matt asked if the town will charge rent or request a donation for a non-profit event like this to use the parking lot facility. Win said no. **Win called for a vote on the motion, which passed unanimously.**
- 15) Facility Use application: "Brave Challenge" event (see above)
- 16) Event application: Ceara "CC" Pelletier & Michael Bell for a Ragnar Trail Running Relay Race from August 2nd at 3:00 PM until August 4th at 7:00 PM at the Ski Tow Road parking

area and on adjacent property owned by the Town of West Windsor and Ascutney Outdoors (with set up to begin on 7/29 and clean up to end by 8/6) – Win said this event involves an extensive contract with an external organization and he thinks the Selectboard should go through it point by point. Win said the Selectboard can either have a long meeting tonight or schedule a separate meeting to review the information. Win said he wants to make sure the town is not violating the conservation easement held by the Upper Valley Land Trust. Matt suggested allowing ten minutes this evening for discussion and then scheduling an additional meeting if necessary. Michael noted that the Swards have signed an agreement allowing Ragnar to use Mile Long Field. Win said he and Rita may need to sign an agreement as well if the race involves the lower part of the field. Michael confirmed that Ascutney Outdoors will host the event and has signed the contract. Michael said the race itself is on August 3rd and 4th but set up will begin on July 29th and clean-up will be done by August 6th. Martha asked if the public is not allowed to use the property for that whole week. Michael said the event organizers have requested exclusive use of the trails. Win asked what the conservation easement says about public access. Michael said there is precedent for closing the trails during events. Matt said the trails are also closed during hunting season. Deb said the trails are closed to bikes during hunting season; they're not closed to hikers. Mike asked if they want the parking lot closed for the whole week. Michael said no; just from Thursday night until Saturday afternoon. Win asked about fires. Michael said they'd like to have a fire pit above the ski bridge, and two smaller camp fire pits. Win asked about the use of AO property. Michael said that would be contingent on the building being finished and approved for occupancy, but there will be some tents on AO property. Matt asked if there will be any income from the event. Michael said Ragnar is providing AO with a venue fee of \$14,000. Win said paragraph #5 gives Ragnar exclusive use of the areas identified in the event layout. Michael said that paragraph also gives Ragnar exclusive use of the trails identified on the Course Map during the event. Win noted that the event is occurring Thursday, August 2nd, through Saturday, August 4th. Michael concurred. Matt noted that there are lots of other trails that could be used by the public. Win said this does not commit the town to policing for walkers it just restricts us from scheduling any other event. Michael agreed. Matt said people could still park in the Town Forest parking lot. Win read from the conservation easement, which states that "The right to use the Protected Property for dispersed pedestrian recreation...may be conditioned, closed or limited...temporarily to prevent conflict with a large event." Given that language, Win said it's clear that closing the property to the public for this event is consistent with the easement. Win offered his UTV for the event, with himself as driver. Michael said for each volunteer that does an 8-hour shift, AO will get an additional donation. Michael said he does not have a completed Facility Use application yet. Martha asked Michael if he talked with the organizers about clarifying the water use restrictions. Michael said yes. Win asked if all the camping will be in the parking lot. Michael said yes. Win asked about alcohol. Michael said they are working to get a licensed operator to get a state special events permit. Bruce asked if there will be a fenced in area where alcohol is served. Michael said yes. Mike asked if all the trails are ATV accessible in case someone is injured. Michael said the yellow trail is mostly single track but there are some access roads in case of emergency. Win asked about emergency services. Michael said Ragnar is going to contract for emergency services. Win asked how the event is run. Michael said for 8-member teams, every member will run every loop once. For 4-member teams, every member will run every loop twice. It's a relay race, so only one team member runs at a

time. Bruce suggested clearing the blow-down prior to the event. Michael said Jim is already working on that. Win asked about noise. Michael said there will be music and announcements but the organizers are aware of the 55 decibel limit. Martha asked if there will be fireworks. Michael said no. Bruce asked how late the music will go. Michael said he thinks 10:00 PM is the start of quiet time. Win asked Michael to confirm that. Win also asked Michael to review the fire pit locations with Mike. Win asked Mike if he has any objection to the bonfire or camp fire pits. Mike said if conditions allow, they can have fires but if they don't, they will not be burning. Michael said they understand that. Shelley offered the Seward's UTV for the event. Win asked about trash. Michael said the organizers are going to contract for that. Michael said there are back-to-back events in late July and early August so he's going to try to get port-a-johns in place for all three events. Win asked Michael to make sure the area gets cleaned up well so the Selectboard doesn't get complaints. Mike asked if people are running all night. Michael said yes. Win asked about the "Ragnar Trail Vermont" Agreement that the town has been asked to sign. Michael said he asked the organizers to provide that agreement before he knew about the Facility Use Policy; now he has asked them to fill out and return the town's Facility Use form. Glenn said Ascutney Outdoors, as host, has signed the Race Venue Rental Agreement. Martha asked if the town, as the owner of the parking lot, which is not under lease to AO, should also have a representative available during the event. Win said he plans to make himself available. Tom said the town acquired the resort property in hopes that this type of event would occur. Win agreed and said the only reason he's dragging everyone through this process is because this is the first year and it's a very complicated agreement. If there are no issues, Win said, he expects the event would be approved more quickly and easily next year. Deb asked if the roads are going to be closed. Michael said no. **Brett moved to approve the event and facility use applications for the Ragnar Relay Race event. Matt seconded the motion, which passed unanimously.** Win asked Michael to get an agreement for him and Rita to sign allowing the use of the lower portion of Mile Long Field.

- 17) Event application: Deb Shearer & Erin Kershaw for the Five & Dime Run on June 16th from 7:00 AM until 12:30 PM at Ascutney Trails & the Ski Tow Rd parking lot – Deb said she has not talked with Nancy Gaynor yet. Deb added that, depending on the construction of the tubing lift, the trail route may have to be adjusted. Win asked Deb to fill out a Facility Use form for the parking lot as well. **Brett moved to approve the event and facility use applications for the Five & Dime Run on June 16th. Matt seconded the motion, which passed unanimously.**
- 18) Highway access application: Queen Victoria Road (Webster) – Win asked Mike his opinion on the Webster and Fitch highway access applications. Mike said he would recommend approval. Mike said the Websters will need to get Selectboard approval to work on Queen Victoria Road. **Matt moved to grant initial approval for the Webster highway access on Queen Victoria Road and the Fitch highway access on Silver Hill Road. Brett seconded the motion, which passed unanimously.**
- 19) Highway access application: Silver Hill Road (Fitch) – See #18 above.
- 20) Highway Foreman's report – Mike said the highway department has been putting gravel down. Mike noted that the Road Foreman's meeting was rescheduled for May 2nd at 9:30 AM at the Town Garage. Mike said the highway employees will be attending the plow & backhoe competition in Barre on May 9th. Mike said it has been difficult to get road salt and he recommended signing contracts with both American Rock Salt and Cargill. Mike said he

delayed plowing as long as possible during the last storm due to the condition of the roads, which he took some heat for. Win asked about the UTV for the water system. Mike said if the check has cleared, he's going to go pick it up.

- 21) Bible Hill culvert project update – Win noted that the stakes are in the ground and the town is going to have a site visit with the abutters on May 4th. Martha said the Army Corps had a few questions about our permit application but Chris Bump answered them.
- 22) Water system update – Win said the well head easement is being worked out and Orange Lake has agreed to sign it. Martha said West Windsor had applied to the Drinking Water Division for a Standby Power Evaluation, which we did not get. Those who were chosen for the evaluation will be eligible to apply for grant funding for a generator, which is why West Windsor was interested. Martha said the town can still apply directly to VT Emergency Management for grant funds for a generator.
- 23) Sewer system update – Win suggested an informal telephone interview process with the engineering firms that responded to the town's Request for Qualifications. Martha said in order to be eligible for a CWSRF loan for the repair of the collection system, we have to go through the required process for choosing an engineering firm.
- 24) Authorize signature of final Pollution Abatement Grant Agreement – **Brett moved to authorize Martha to sign the agreement. Matt seconded the motion, which passed unanimously.**
- 25) Other Business – Sheddsville Cemetery: Tom asked the Selectboard to annually approve \$6,500 for the maintenance of the Sheddsville Cemetery and, if there are funds left at the end of the year, they would go into a sinking fund. Win asked about the fees. Tom said he has not discussed the fees with the Brownsville Cemetery Association. Win asked what the expenses are, other than mowing. Tom said a number of things come up every once in a while. Win asked who authorizes disbursement of funds. Tom said the Sheddsville Cemetery Supervisor, after consulting with the Selectboard. Dead trees: Tom said there are a number of dead trees around the outside of the Ski Tow Road parking lot, which may need to come down before people camp there. Win asked Tom about pruning the trees on Town Hall property. Tom said he will make sure it gets done. Landino: Matt asked if the Landinos have responded to the town's letter. Win said no, but we should schedule a time for the contractor to do the work at the school.
- 26) Approve Minutes: **Matt moved to approve the minutes of March 22nd & 26th. Brett seconded the motion, which passed unanimously.**
- 27) Adjourn – **The Selectboard adjourned by consensus at approximately 8:40 PM after signing orders.**

Respectfully submitted,

Martha Harrison