

West Windsor Selectboard
Draft Minutes
August 24, 2017

Present: Dick Beatty, Win Johnson, Matt Birmingham, Elizabeth Burrows, Al Keiller, Barbara Truex, Deb Shearer, Martha Harrison

- 1) Call to Order – Selectboard Chair Dick Beatty called the meeting to order at 8:00 AM.
- 2) Changes or additions to the agenda – Monday night’s agenda
- 3) Announcements/Public Comment – None
- 4) Meet with Town Attorney to discuss – School district merger: Matt said the town owns the real estate, the school owns the building, and the town leases water from the school. Matt said the real estate was conveyed to the town by the Trustees of the library, subject to being used for school purposes, but the trustees can release the town from that obligation via quit claim deed. Referring to the draft Articles of Agreement between Windsor and West Windsor, Matt noted that he talked to Peter Clarke and the Election Division of the Secretary of State’s office and determined that the agreement will have to be ratified by Australian ballot. Matt asked Elizabeth if the district is assuming all of the debt. Elizabeth said the district assumes all of the debt except the \$560,000 remaining on the school addition so, if the district decides to close the school, and the town does not exercise its right of first refusal, and someone else buys the property, the town would still be paying off the debt. Dick noted that the debt for the school addition is a town debt, not a school debt. Martha asked if the town could buy the property back for \$1. Win said its \$1 plus the cost of any capital improvements made after the property is transferred to the district. Win said the agreement should clarify that the capital costs should be depreciated. Matt said the operating fund surplus and restricted fund numbers should be included in the agreement. Matt said he’s not sure it’s a good idea to have a six-member board. Matt asked if the agreement contemplates closing the school. Elizabeth said not as far as she is concerned. Elizabeth said prior to Act 46, a town could only close its school with voter approval but, with the passage of Act 46, it’s a district decision. Elizabeth said she pushed to require the approval of West Windsor voters to close Albert Bridge but the best she could get was a requirement that the voters in the district (i.e. Windsor and West Windsor) approve the closure. Deb pointed out that Windsor has more voters. Martha asked if the viability of Albert Bridge depends on including elementary school choice in the agreement, and what the odds are of that happening. Elizabeth said the committee discussed elementary school choice v. redistricting and decided that they don’t need to redistrict if they have choice. However, Elizabeth added, elementary school choice is not a binding article. As the articles are currently written, Matt said, closing Albert Bridge would be a decision of the six-member district board. Elizabeth said a majority decision by the board would trigger a vote by the voters of both towns. Matt said that provision is not going to be very popular politically. Al said Act 46 is designed to consolidate school districts, so towns will have to give up some sovereignty. Matt said West Windsor would already be giving up control over grades 7-12 because we’d be giving up school choice; the question is what happens to K-6. Matt added that the town would also be paying a half million dollar debt even if there’s no school anymore. Win asked if there is any provision for not closing the elementary school for a certain period of time. Elizabeth said Act 177 disallows the closing of any schools for four years. Win asked if that would apply to Albert Bridge. Elizabeth said yes. Al asked if West Windsor will help pay down the debt associated with the school in Windsor. Elizabeth said yes. Matt asked about the amount of

the district's capital debt. Elizabeth said she doesn't have that number at the moment. Matt also asked about grandfathering. Elizabeth said the law allows students to stay in the district in which they are currently enrolled. Elizabeth asked about the town's water lease. Matt said if the property were conveyed, it would be conveyed subject to the condition that it continues to provide water to the recipients of the water supply. Alcohol on Town property: Matt advised the Selectboard to make sure the town and Ascutney Outdoors (AO) both have insurance coverage, and to make sure there's a permitting process in place. Win said the existing Facility Use Policy does not allow for BYOB, which is problematic, so the Selectboard is considering some changes to the policy. Matt said, if there's a permitting process in place, the town will know where and when the event is happening and can restrict the hours and consider requiring the applicant to hire the Sheriff. Deb said AO hired Windsor PD for Brownstock at a cost of \$500 and, in hindsight, she doesn't think it was necessary. Henderson: Matt said that issue has been resolved. Utility Advisory Committee: Matt said he and Nate Stearns have agreed to sit down and review the draft. Win said the revised sewer ordinance is going to have the same language as the water ordinance with regard to the committee. Expired stormwater permit: Win said the Selectboard received a letter from Chris Tomberg dictating that the town shall form a management association to administer the permit, so the question is whether or not he has the authority to require the town to do that. Matt said he will talk to Chris.

- 5) Consider draft Land Use & Development Regulations submitted by the Planning Commission – Al noted that the Planning Commission (PC) had help revising the regulations from Allison Hopkins at the Southern Windsor County Regional Planning Commission (SWCRPC). Al said the PC had a public hearing on the draft regulations on April 27th. Some minor changes were made after the hearing and then the regulations were sent to the Selectboard for consideration. Al noted some minor formatting problems with the most recent draft of the document. Al said the main purpose of the revised document was to incorporate the subdivision regulations (Articles 6 & 7) with the zoning regulations. In combining the two documents, Barbara said, the PC eliminated repetitive or contradictory information. Dick asked about the map. Deb said it's the same map that was adopted in 2015. Dick also asked about the section on the storage of junk and vehicles. Al said the PC has included that section for now but recommends that the Selectboard adopt a separate junk ordinance and then delete that section. Al noted that adopting an ordinance would facilitate enforcement. Win asked how the changes will "accommodate smaller residential lots at the eastern end of the primary growth/village district and those lots within proximity to the sewer line." Martha said when the town first acquired the sewer, we were not aware that the sewer line at the east end of town is a force main, which is difficult to connect to. Deb said there was a problem with the summary table included in the draft sent to the Selectboard, which should have specified that ½ acre lots are allowed at the east end of the village district, when connected to the sewer system. Dick said the regulations do not specify that smaller lots are only allowed at the eastern end of the village district. Win said it's implicit in the fact that the eastern end is the only place that the sewer system is available. Martha said there was a sewer overlay on the map at one point. Dick said there still is an overlay on the map. Win asked about exemptions to the regulations. Al said there are some new exemptions, including an exemption for routine excavation and fill. Win asked if highway bridges are exempt from conditional use review. Deb said it's her understanding that it only applies to bridges used to access a structure. Al read the definition of "bridge" in the regulations. Win asked if the town would need a zoning permit to build a bridge on Bible Hill. Barbara said no. Martha said you would need state permits. Win asked where in the zoning regulations it indicates that town

highway bridges are exempt from local zoning; if it's not clear that the regulations only apply to private bridges, it should be made clear. Martha said the issue is getting a fire truck or an ambulance to someone's home. Al asked Deb to consult with Allison on the appropriate language for bridges. Win asked if the issues associated with Certificates of Compliance and Certificates of Occupancy have been worked out. Al said yes. There was discussion about the cost of printing copies and Win encouraged Deb to ask SWCRPC if they would print some copies after the bridge question is addressed. Dick noted that it's time for a 90-day review of our new Zoning Administrator and invited Al and Barbara to participate when it's scheduled. Win asked how long the Selectboard has to hold a public hearing on the regulations. Martha said the Selectboard has 150 days from the date it was presented to them. Junk ordinance: Win asked if adopting a junk ordinance is a high priority. Al said he is not aware of any urgent issues. Win asked if the Planning Commission is recommending the draft junk ordinance they forwarded to the Selectboard. Al said Preston Bristow recommended it. Dick noted that it was provided by the VT League of Cities and Towns. Win suggested reviewing Hartland and Windsor's ordinances as well.

- 6) Other Business – Fourth of July: Win said he recently met with a group that is thinking about the Fourth of July celebration and he would like to report on that meeting on Monday night. Water project documents: Martha asked the Selectboard if it's okay for her, as the town's alternate representative, to sign water project documents. Win said since you're already authorized, it's okay. Dick agreed. Win added that when someone on the Selectboard is authorized to sign documents, that authorization should expire when that person is no longer on the Selectboard.
- 7) Sign Town Clerk's orders – **Win moved to sign orders. The motion passed unanimously, but the Clerk had no orders.**
- 8) Adjourn – **Win moved to adjourn at 9:30 AM. Dick seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison