

West Windsor Selectboard
Draft Minutes
June 10, 2019

Present: Win Johnson, Brett Myers, Martha Harrington, Tom Kenyon, Mike Spackman, Cathy Archibald, Glenn & Shelley Seward, Gary Burke, Dennis Brown, Cathy Hoyt (Windsor on Air), Karen Diop, Shannon Harrington, Bill Ley, Peter Varkonyi

- 1) Call to Order – Selectboard Chair Win Johnson called the meeting to order at 6:30 PM.
- 2) Changes or Additions – Library update, appoint Forest Fire Warden, grant opportunity
Discussion with Police Chief: Win said he is going to talk with the Police Chief regarding the need for police coverage at events when alcohol is being served, but he hasn't done so yet.
- 3) Public Comment – None
- 4) Town Clerk/Treasurer's report – Sign orders: **Brett moved to sign orders. Win seconded the motion, which passed unanimously.** Appoint Forest Fire Warden: **Brett moved to appoint Mike Spackman as Forest Fire Warden. Win seconded the motion, which passed unanimously.**
- 5) Review access for proposed subdivision: Harrington – Win asked Shannon if she's in a time bind. Shannon said yes. Shannon said she is doing a 2-lot subdivision; selling her house with 15 acres and creating a lot to the west. Shannon said the zoning regulations say that when an access serves 3 or more lots, it has to meet the width requirements and the A-76 slope standard. Shannon said there is an existing access that will serve the new lot. The existing access currently serves one house and 2 or 3 undeveloped lots (one of the 3 lots has frontage on Harrington Road). Shannon said the width has to be 16 feet when it serves three houses and the slope, which is currently 12-13%, can be up to 16%. Shannon said the access is subject to conditional use review by the Selectboard. Shannon went over her written responses to the conditional use criteria. Shannon said the Zoning Administrator can approve the subdivision provided the Selectboard approves the access. Shannon noted the location where the existing improved access becomes a logging road, which has been there for 100 years. Win asked if approval can be conditioned on future compliance. Shannon said that is what she is requesting; when and if a third lot is built, then the width would have to be increased by one foot on each side. Shannon said the existing access, which meets the standards for an access that serves one house, was approved on June 15, 2005. **Win moved to grant approval for the existing access to serve as the access for three or more lots, with compliance to the standards to be met at the time the third lot is developed.** Martha asked who would be responsible for widening the road, all three lots served, or the third lot. Shannon said she suspects at that point there would be a homeowners' association. Win asked if any of the deeds for the lots served by the access require responsibility for the road. Shannon said no; not that she knows. Win said before a zoning permit could be granted to develop a third lot, the applicant would have to agree to widen the access, and work out cost-sharing arrangements, if any, with their neighbors. Martha said a state law was proposed years ago that would address situations like this but she doesn't know if it passed or not. **Win called for a vote on the motion, which passed unanimously.**
- 6) Event (public assembly) application by Bill Ley & Karen Diop for Fourth of July celebrations (fireworks, parade & other activities) from 6:00 PM on July 3rd until 3:00 PM on July 4th at various locations in the village and on the mountain – Karen said the activities on the Fourth will be basically the same as last year, but with more activities in the school parking lot; they are also talking with the police about closing the Brownsville-Hartland

Road for an hour for the parade. Karen said the Butcher & Pantry (B&P) will also have an activity at their location. Regarding July 3rd activities, Bill said the fireworks will be further up the mountain for visibility; the parking entry/exist protocol will be reversed; and the viewing area will be at the Ascutney Outdoors Center. Bill said there is no admission fee; funding comes from donations, corporate sponsors and the town. Vendors will include the Moonlighters, the Lazy Cow, and the B&P. Win asked about alcohol. Peter said they are proposing to serve alcohol in a fenced area so they can check IDs and make sure no alcohol is being brought in from outside. Peter said they are expecting between 500 and 600 people. Win asked those present for their thoughts on when police coverage is advisable. Glenn said he thinks a music event geared toward a younger crowd would warrant a police detail. Shelley said even if 500 people come to the fireworks, they won't all be drinking. Shelley said she thinks police coverage would be appropriate for Ragnar when there are 2,000 people on site. For an event ending at 9:00 PM, Shelley said, she doesn't see the need for police coverage. Karen said she thought the Police Chief gave a number of participants that would trigger police coverage. Win said he will ask the Chief for specific guidance. Bill said there were two officers present at the fireworks last year. Win asked who paid for that. Karen said they did it as part of their contract with West Windsor. Peter said he thinks the type of event and the potential for higher consumption of alcohol should be considered when determining whether police coverage is warranted. Peter added that B&P will only serve two beers per person. Fireworks permit: Bill said they also need the Selectboard Chair to sign their fireworks permit. Facility Use agreement: Win added that they need to sign a Facility Use agreement to use the Town Hall. **Brett moved to grant the event permit, subject to guidance on traffic and alcohol from the Police Chief; permit the use of the Town Hall with the signing of a Facility Use agreement; and sign off on the fireworks. The motion passed unanimously.**

- 7) Discuss next steps re: Burke property – Win said he thinks the Selectboard is ready to execute the agreement and close by June 30th, but they have some things to do before then. Win reviewed the results of the Phase II study. Win read from an email he received today from Alan Liptak stating “Shawn Donovan at DEC indicated that it would be acceptable to leave the site as-is until the Town is ready to re-develop it, as long as an institutional control is approved and recorded.” Meanwhile, Win said, the Selectboard has to decide whether to enter the BRELLEA program. Win said the state also recommended another water sample. Win said since Matt Kantola is not present, he would like to schedule a special meeting for the full Selectboard to make this decision. Brett said she can meet Thursday at 4:30 PM. Martha asked if Shawn or Alan said that the property has to be accepted into the BRELLEA program before we close. Win said yes, but we have until the end of the month. Martha said we have to apply first. Win said BRELLEA includes a \$500 entry fee to get a lot of insurance against an eventuality that no one expects us to encounter. So the question is would it be irresponsible not to get the insurance knowing that something could develop down the road. Win said we're going to have to find out a lot more from Shawn before Thursday. Win asked those present for their thoughts on BRELLEA. Win said, according to Alan, the state can get involved whether we enroll in BRELLEA or not, so he would probably go ahead and enroll. Gary said he looked into building a house there, but the sewer and water are no good for any new development; the well is a shallow well and would not be approved for potable water. **Brett moved to schedule a special meeting at 4:30 PM on Thursday to make a decision on the Burke purchase. Win seconded the motion, which passed unanimously.**
- 8) Mountain property clean-up – Status of abandoned groomer: Win said Glenn received an email from the person who bought the groomer saying “Please liquidate the groomer. Any

proceeds please donate to charity of your choice.” Glenn said someone is going to pick it up tomorrow morning. Plans for other abandoned structures/equipment: Win said it turns out there was a full Phase I and Phase II study done on the mountain property and it clearly identified the batteries as being at the top of the quad. Win said the study also identified a bunch of propane gas canisters and one above-ground storage tank (AST) at the top of the triple. Win said the town should work to get the gas canisters and the tank removed sooner rather than later. Win said, thanks to Glenn, we have found the batteries and gotten two of them down off the mountain, and the other two will be removed shortly. **Brett moved to have the proceeds from the batteries go to Ascutney Outdoors. Win seconded the motion.** Glenn said he is drafting an RFP for the removal of the abandoned structures on the mountain and will include the gas canisters. Glenn said the AST is an empty 500-gallon tank. Martha said we should check to see if there’s any paperwork we have to do before removing the AST. Glenn said we could ask Alan Liptak. Snowstorm I: Glenn said the contractor is making arrangements to get the equipment they need to lift the contents out of the building. Win said he and Jim Lyall have some ideas for improving the walkway on the other side of the brook. Tom asked about the transformer for Snowstorm I. Win said there are a number of transformers on the mountain as well. Glenn said Green Mountain Power has removed the pole-mounted transformers; the one by Snowstorm I was cleaned up when he was on the Selectboard and he thinks it should be moved up to the maintenance garage area. Glenn said there is one other transformer that still needs to be removed.

- 9) Highway Foreman’s report – Mike said one of the 10-wheelers can move the transformer from Snowstorm I to the maintenance garage area, and he will order a plate from Osgood to cover the holes. Paving: Mike is still trying to get on the paving schedule. Tree-cutting class: The class is being held on June 18, 19, 24 & 25. Culverts and ditches: The highway crew has been installing culverts and ditching. Win asked what happens to the old culverts. Mike said they get recycled. Grants: Mike said we got both our Better Roads grants for Cemetery Road and Silver Hill. Hartland: Mike said he’s done helping Hartland with grading after putting in 30 hours. Mowing: The crew started mowing today but they need to get the A/C fixed. Sign Letter of Intent to participate in Municipal Roads Grants-in-Aid Program: **Brett moved to sign the Letter of Intent. Win seconded the motion, which passed unanimously.**
- 10) Water & Sewer Utilities – Consider proposal for gate valve repair: Win said our asset management plan calls for replacing two gate valves per year for three years. Win asked Dennis which valves he thinks should be worked on. Dennis said he thinks we should start at Mountain’s Edge where there are valves they can’t even locate. Martha said Willey’s proposal is for valves at the Windham and Bennington buildings. Win said we should hold off on considering the proposal if we don’t know which valves we want to do. Martha said Scott Beavers is going to report on the valve exercising, but she hasn’t seen the report yet. Dennis said he hasn’t seen it either. Win said we need another bid anyway, since this one seems high. Dennis agreed. Mike said he knows a contractor who is interested in bidding on the work. Approve Butcher & Pantry water & sewer allocations: Win said he, Martha and Deb Shearer met with Peter and Jeffrey Hermanson a few weeks ago, and Martha provided calculations for the design flows, based on the new regulations, which everyone agreed on. Win said Martha drafted the paperwork and Chris Nesbitt signed off on the revisions to the sewer application. Peter said since the town is conducting a rate study and there’s discussion about metering non-residential users, will the B&P be able to make an argument regarding their design flow next year. Win said the current allocation doesn’t preclude B&P from doing something else down the road; they’re not “locked in.” Win said it’s not clear to him what the B&P would need to do to appeal their design flow under the new regulations. Peter said it

seems haphazard. Brett asked about porch seating. Martha said they can just have benches on the deck. Win added that they can only serve ice cream out there. Brett asked about the limiting factor. Win said with one bathroom, they can only have 24 seats. Peter said their food license allows them to also have up to 16 seasonal seats, but they're not going to do that until next year when they have a lease with their neighbor for additional parking, and they're compliant with DRB requirements. Win asked Peter to send Martha the information about the seasonal seating. Peter agreed and said the information is from Gordon Lodewyk from the Health Department. Regarding the provision for metering in the state regulations, Win said Dennis has provided some information from the meter that's already there. Although it hasn't been calibrated, assuming it's fairly accurate, Win said the meter could provide helpful information during events to see what the store's maximums are but, for an appeal, they might need continuous monitoring. One unanswered question: what information would B&P need to provide to the ANR Secretary to support their appeal? Peter said he thinks metering all non-residential users would be the best outcome. Win said he sees two options: either the town moves forward with metering non-residential users, after figuring out how to meter the Hotel, which is a mixed use, or the B&P appeals their design flow to the Secretary. Peter said if it turns out that they're using 800 gpd on their busiest day, then the difference between what they're using and what they're being charged for would be \$2,200 per year. Win asked Dennis if he knows how much a continuously recording meter would cost. Dennis said he doesn't know. Peter said B&P would pay to have the meter calibrated or replaced. Win said we should determine what information we need and what type of meter will provide it. Martha said we need to know how much water all the non-residential users are using before we come up with a new rate structure so we're not changing it every time we get more information. Win said he thinks we need to meet again soon and develop a list of questions. Peter said not metering could be a deterrent to another new business opening in Brownsville.

- 11) Town Hall improvements – Window Replacement Project: Win said there are tax credits available for projects that enhance historic buildings in downtowns and asked Martha to find out if the Town Hall window project would qualify. Flower Beds: Tom said the Brownsville Beautification Committee wants to do a planting in honor of Frances Cady. Tom added that the juniper is dying and Dan Lesnick can remove it for \$500. Tom also requested \$300 for plantings to replace the junipers. **Brett moved to authorize Tom to spend up to \$1,000 to upgrade the gardens at the Town Hall. Win seconded the motion, which passed unanimously.**
- 12) May Police Report – Win noted five incidents labelled “suspicious” and said he would ask the Chief for additional information.
- 13) Other Business – Library: Tom said the Trustees have received an application for the open Librarian position, which they will consider on Saturday.
- 14) Approve Minutes – **Brett moved to approve the minutes of May 22nd & May 28th. Win seconded the motion, which passed unanimously.**
- 15) Adjourn – **Brett moved to adjourn at 8:01 PM. Win seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison