

West Windsor Selectboard
Draft Minutes
June 11, 2018

Present: Brett Myers, Win Johnson, Matt Kantola, Mike Spackman, Tom Kenyon, Martha Harrison, Bill Young, Deb Shearer, Rudy Gross, Bruce Boedtke, Erik Boedtke, Bill Ley, Steve Crihfield, Bill Sampson (Police Chief), Ted Siegler, Michael Bell, Tom Marsh (Windsor Town Manager), Glenn & Shelley Seward, Cathy Hoyt (Windsor on Air), Karen Diop, Marty Hunt, Renee Johannensen

- 1) Call to Order – Selectboard Chair Win Johnson called the meeting to order at 6:30 PM.
- 2) Changes or additions to the agenda – approve costs associated with distributing the CCR; move item 8 (Legal Trail discussion) after Town Clerk’s orders; personnel policy update
- 3) Announcements/Public Comment – None
- 4) Town Clerk/Treasurer’s Report – None
- 5) Sign Town Clerk’s orders – **Brett moved to sign orders. Matt seconded the motion, which passed unanimously.**
- 6) Request to relocate the Legal Trail that extends from Kings Hwy to the Hartland Town Line, across the Johannensen property – Ted described the current location of the Legal Trail and said the current property owner has asked the Town to discontinue the trail and replace it with a binding permanent trail easement for an existing trail further to the west. Ted suggested that the property owner pay to have the easement drafted and that the easement be held by the Town, not by a Land Trust. Win asked if we have existing easements the property owner could use as a model. Ted said yes; the Bryant, Armstrong or Greenall easements could be used as models. Ted said the Conservation Commission would be happy to review the easement. Ted said he would not recommend discontinuing the Legal Trail until the easement is signed. Ted agreed to send the property owner model easement language. Ted said the Town of Hartland will have to make their own decision about discontinuing their section of the road. Ted said it wouldn’t really matter to the Conservation Commission whether or not Hartland discontinues their section of road as long as the easement for the existing trail to the west goes all the way through to Best Road. Win asked if the same property owner owns the land on both sides of the town line. Ted said yes. Ted said the Town has to notify the Department of Forests, Parks & Recreation before discontinuing a Legal Trail and the state would have the option of keeping the right-of-way themselves. Ted also said he doesn’t know if West Windsor could be the easement holder for the portion of the trail that is located in Hartland; we’ll have to get a legal opinion on that. Ted said the Conservation Commission thinks it’s a great idea; it solves the landowner’s problem and also gives the Town a trail that’s in better shape. Win noted a letter from the landowner indicating her willingness to cover the associated costs. Ted said the easement would need to have no restrictions. Tom Kenyon asked what portion of Blood Hill the Town would be giving up. Ted said from where Blood Hill takes a sharp turn onto Kings Highway to the Hartland Town Line. Ted asked Mike if he currently maintains that portion of Blood Hill Road. Mike said no. Rudy asked if Blood Hill dead ends at the Hartland Town Line. Ted said it doesn’t dead end, but it’s impassable. Rudy asked if the new trail easement will be passable all the way to Best Road. Ted said yes. **Brett moved to turn this issue over to the Conservation Commission, ask them to negotiate an easement with the property owner, and communicate with Hartland to the extent necessary. Matt seconded the motion, which passed unanimously.**
- 7) Law Enforcement – Win welcomed Windsor Police Chief Bill Sampson and Windsor Town Manager Tom Marsh. Tom Marsh said from Windsor’s perspective the Inter-Municipal Police Agreement works well. Win noted that a Rush Meadow Road resident said he never sees the Windsor police in his neighborhood. Chief Sampson said the Windsor Police Department has an extra patrol per shift. Win asked if it’s up to the officers where to go in West Windsor. Chief Sampson said yes, unless they’ve received a specific request from the town to patrol for speeding near the school, or something

like that. Win asked about 911 hang-ups at the resort. The Chief explained that people have to dial “9” to get an outside line at the resort, so it’s very easy to accidentally dial “911” but they’re working with the resort to come up with a solution. Win offered to help. Event coverage: Win asked to what extent events are covered under the contract. Chief Sampson said if it’s a town event, it’s covered under the contract; if an outside vendor is sponsoring an event and needs police coverage; the event sponsor is charged the detail rate. Tom Marsh said if the town requested coverage beyond what’s necessary for public safety (e.g. a police car to ride in a parade), the town would be charged for that. Glenn said, from Ascutney Outdoors’ perspective, it’s up to the event sponsor to cover the cost of police coverage and they work that out directly with the police. Matt asked how the Chief determines if on-site police coverage is required. Chief Sampson said if public safety is an issue - as it is when traffic is blocked, alcohol is served, or a large number of people are present - then police coverage is required. Shelley asked about BYOB events where traffic will not be blocked. The Chief said it depends on the event; if there are going to be hundreds of people present, then he would say yes, there should be police coverage. Tickets & ticket revenue: Win asked if West Windsor gets the revenue when a ticket is issued. Chief Sampson said he believes the town gets a portion of the revenue. Tom Marsh said most ticket revenue goes to the state and they send a portion back to the town. Win asked how they would know that the revenue for tickets issued in West Windsor by the Windsor police should go to West Windsor. Tom said the location should be on the ticket. Chief Sampson agreed that the ticket should have a municipal code on it. Matt noted less speed patrol than when Ralph Johnson was Constable. Chief Sampson said the officers have the discretion to give a ticket or a warning, depending on the circumstances, but they haven’t run into many egregious speeding violations. Bill Ley said speeding is a major problem from the cemetery north on the Brownsville-Hartland Road. Win said the average speed, as indicated on a recent traffic study, was in line with the posted speed limit, but the outliers were startling. Matt agreed that there should be more speed patrol north bound on the Brownsville-Hartland Road. Chief Sampson noted the flashing speed sign that was posted in West Windsor for a short while. Win said he would like to see if West Windsor and several surrounding towns could buy a flashing sign to share. Win asked Tom Kenyon if he could mention the idea at a Regional Planning Commission meeting. Tom agreed. Renewal of Inter-Municipal Police Agreement: Win asked Tom Marsh about the cost. Tom said cost increases are discussed in December and reflect union wage increases, which tend to be around 3%. Tom noted that Windsor would be open to a three- or five-year contract if West Windsor is interested in a longer term. Win said they would need more time to consider a longer term. Deb complimented the Windsor Police Department on their community policing. **Brett moved to renew and authorize signing the Inter-Municipal Police Agreement for two years. Matt seconded the motion, which passed unanimously.**

- 8) Legal Trail – Renee Johannensen arrived after the discussion on relocating the Legal Trail that crosses her property (see item #6) so Win summarized the discussion for her.
- 9) Animal Control – Dog bite: Win said there was another dog bite in town, and described the circumstances, but noted that the victim has not filed a written complaint yet. Chief Sampson said typically, in a situation like this, the response is complaint driven but a dog bite is a violation of the Animal Control Ordinance, regardless of whether or not a complaint is filed, so a ticket could be issued. Brett suggested letting it go unless a complaint is filed or it happens again. The Chief noted that there is a record of the incident on file. Win asked Bill Young if he has talked with the victim. Bill said no; but Nancy Gaynor has. There was discussion about whether or not responsibility for the incident lies with the owner of the property where the incident occurred or the owner of the dog. Tom asked if the dog has had its rabies shot. Win said yes. The Selectboard agreed by consensus to take no action at this time. Consider adoption of Poultry Ordinance: Win said the original draft of the ordinance required containment. Win said most of the push-back came from people who don’t want to prohibit people from having a few free-range hens on their property. Win said the revised ordinance does not prohibit free-range poultry as long as they stay on the owners’ premises; if they wander onto a neighbor’s property without the neighbor’s permission, then that’s a violation of the

ordinance. Erik said he thinks the revision makes it more challenging to address the issue. Win said he wants it to be clear that an abutter has every right to complain if their neighbor's poultry are on their property. Erik asked if neighbors who have already submitted multiple complaints will have to continue to submit complaints. Win asked the Chief if he is ready to respond the next time there are geese all over the neighborhood. Chief Sampson said he thinks the ordinance is clear that the animals have to stay on the property without making the statement that they have to be fenced. Win said he doesn't think it makes sense to adopt an ordinance prohibiting something that is commonly allowed. Erik asked if the officers will be made aware of the history. The Chief said it would be easier if the ordinance required a fence because then, if there's no fence, the property owner is clearly violating the ordinance, but the revised ordinance does require the animals to be on the owner's property. Matt asked the Chief if he would alert his officers to the new ordinance and let them know that there has been an on-going issue. Chief Sampson said he does circulate new ordinances to the troops and let them know what's going on. **Matt moved to adopt the current version of the West Windsor Poultry Ordinance. Brett seconded the motion, which passed unanimously.**

10) Request by Ascutney Outdoors (AO) for waiver of application & fees to re-connect existing sewer line – Glenn said the new sewer line for the AO Center is in place so they would like to connect it to the town's sewer system and are requesting that the Selectboard waive the application process and the associated fees, as allowed under "Change of Use" in the Sewer Ordinance. **Brett moved to approve AO's request to connect to the town's sewer system. Matt seconded the motion.** There was some confusion about whether AO was requesting a sewer connection or a water connection. Glenn confirmed that the AO Center is already connected to the water system so AO is requesting a sewer connection. **Win called for a vote on the motion, which passed unanimously.**

11) Events – Fourth of July: Karen described the event, which will be similar to last year's event, and will include a police presence during and after the fireworks to help direct traffic. Karen noted that the parade will come down Brownsville-Hartland Road and will also include a police presence. Traffic will be stopped at the intersection of Sheddsville and Brownsville-Hartland Roads, and at the intersection of Brownsville-Hartland Road and Route 44 for an hour. Bill Ley said the parade may go beyond the Sheddsville intersection. Karen said there will be food and music on the mountain before the fireworks. Win asked about fires and alcohol. Bill said people may bring alcohol, but the event organizers won't be serving it, and individuals are not allowed to bring their own grills. Chief Sampson said if the parade goes further up Brownsville-Hartland Road, there would have to be an additional officer. Win said last year there were complaints about clean-up after the fireworks and asked Karen and Bill to make sure the area gets cleaned up. Win volunteered to help with the clean-up if they need volunteers. Bill said the complaints had to do with fireworks debris and the committee had a long talk with the fireworks company about that so it shouldn't be a problem. Karen added that they have volunteers to do trash control. Karen asked if the town could make sure that the sidewalks are clean. Win said Route 44 is a state road. Mike said he has called the state several times but hasn't gotten a reply. Matt asked about the state's paving schedule for Route 44. Mike said August. **Matt moved to approve the application for the Fourth of July celebration. Brett seconded the motion, which passed unanimously.** Martha said the Selectboard usually waives the event application fee for the Fourth of July. **Matt moved to waive the fee. Brett seconded the motion, which passed unanimously.** Gnar Weasel Mountain Bike Race: Win asked if the questions about alcohol have been answered. Marty Hunt said Ben Bardwell was planning to bring in a keg and serve alcohol but he has been informed that he can't do that; individuals can bring their own alcohol for their own consumption but alcohol cannot be served by someone without a liquor license. Win asked if Ascutney Outdoors will have people around to keep an eye on things. Marty said yes. Bruce asked if there will be a police presence. Chief Sampson asked about the number of participants. Michael said there are usually about 200 participants but he doesn't recall camping in prior years. Regarding police coverage, the application says "Have not needed in past." Win asked if the event includes town roads. Michael said he is not involved with organizing the event but it's his understanding that they will just be using the trails and the parking lot. Win asked the Chief if he could have a directed patrol in the

area on July 6th, the night before the event, when people are camping out. The Chief agreed. **Brett moved to approve the Gnar Weasel event, co-sponsored by Ascutney Outdoors and Ben Bardwell, on Friday July 6th and Saturday July 7th. Matt seconded the motion, which passed unanimously.** VT Mountain Bike Festival: Michael Bell said they would like to start setting up on July 26th, the day before the event. Michael said there are typically 350 to 500 participants at the event and they plan to have an enclosed beer garden with a licensed provider this year. Michael said they may request a small fire pit with Mike Spackman's permission if conditions allow. Michael said the event does extend to trails off the mountain but no public roads will be used. Michael said he has not had a conversation with the Windsor Police yet. Chief Sampson said if you're serving alcohol, you may need an officer there. Michael agreed to discuss police coverage with the Chief and let the Selectboard know the results of that conversation. Steve asked if there is a number of participants at an event where alcohol is served that triggers the need for police coverage. Chief Sampson said if there are going to be more than 100 people present, there should be a police presence. **Brett moved to approve the Vermont Mountain Bike Festival, subject to addressing the need for police coverage.** Matt recused himself from participating in the decision because he is on the planning committee for the event. **Win seconded the motion, which passed with Matt abstaining.** Point to Point: Michael said alcohol will be served and he thinks someone from the sponsoring organization – the VT State Employees Credit Union – has been in touch with the Windsor Police. Chief Sampson confirmed that he has been contacted and the Windsor PD has covered this event for many years at its former venue, the Harpoon Brewery. Michael said all the activities associated with the event will be based at the mountain this year. Michael said they are expecting 1,000 to 1,200 people. Win asked about parking. Steve said they can use the Cunningham parking lot for overflow, provided Orange Lake isn't using it that weekend. **Matt moved to approve the application for the Point to Point event. Brett seconded the motion.** Win encouraged everyone involved to keep track of mistakes so we can learn from them. **Win then called for a vote on the motion, which passed unanimously.** Review revised event application form: Win said Marty and Martha have revised the event application form. Win said he would like the application to include the name of the organization sponsoring the event, if there is an organization involved, and the person who signs the application should be a representative for the organization. Matt asked if AO and the town would just have one application form. Win said that's the plan. Martha said she wants to make a few more minor revisions to the form. Win said that's fine; he doesn't think the Selectboard needs to approve it. Marty asked about events with fewer than 100 people. Win said the event ordinance does not cover events of that size. If there is parking incidental to the event, Win said, he doesn't think that's a problem. Matt said he thinks the town should be aware of events that are occurring on town property. Marty said AO will certainly keep the town informed; she just wondered if there are any forms that need to be filled out. Win said no. Parking ordinance: Chief Sampson asked the Selectboard to review the parking ordinance provided by Windsor. Win agreed that the Selectboard needs to review both the parking and the alarm ordinances.

- 12) Highway Foreman's report – Application for residential highway access on Sheddsville Road (Gercke): Mike had no concerns about the proposed access. **Matt moved to grant initial approval for the proposed highway access. Brett seconded the motion, which passed unanimously.** Road Salt: Mike recommended participating in the state's road salt contract and indicated that the amount we need is 400 tons. **Brett moved to approve the town's participation. Matt seconded the motion, which passed unanimously.** Ascutney Mountain Resort conduit project (possible work in Town ROW & utility easements): Mike had no issue with the proposal. Win asked Martha to let the contractor know he should notify Mike when the project begins. Martha said the project may not be in the right-of-way where it crosses the Windsor Building property. Win agreed that Martha should make that clear to the contractor. **Matt moved to approve the work to the extent that it occurs within the town right-of-way. Brett seconded the motion, which passed unanimously.** Bible Hill culvert project update: Martha said, according to Chris Bump, we'll either have final plans on Wednesday, or we'll have the information we need to make it a design/build project. Mike said if this

had been a design/build project, we would have a contractor lined up by now. Win asked Mike if he anticipates having trouble getting a contractor. Mike said yes. Summer Maintenance: Mike said they have been installing culverts, ditching and mowing. Mike said they're still doing some minor work on the hydro seeder, but it works great. The one-ton should be ready by the middle of July.

Johnson/Seward emergency access: Win said they're still working on it. Bridge painting: Mike said he's been told that AO is going to close the road to paint the Skier Bridge this weekend. Warranty work on trucks: Mike said Dave's truck is done, Kevin's truck is going in on Thursday and Erik's truck will go in the following week. Feasibility study: Win asked Mike if he has heard from

Engineering Ventures about their assessment of the Burke and Clay properties. Mike said no. Coon Club ditches: Matt said he has heard from some people on Coon Club Road who are concerned about the depth of the ditches. Mike said they have to go to the bottom of the culvert. Win asked about installing guardrails. Mike said there's no room for guardrails.

- 13) Consider estimates for Town Hall alarm system work – Tom said the system is very old and last week it died. Countryside Alarm has gotten it working again, but it needs to be replaced. Tom said the town got bids to replace the system from two companies – VLS and Countryside. Mike said the Fire Department already switched alarm companies and he would not recommend spending money repairing an old, outdated system. Matt asked if there is enough money in the budget to put in a new system. Win said yes. **Brett moved to authorize Win to accept and sign the “Option 2” bid from VLS for \$6,616.35 with a 50% deposit to update the alarm system in Story Memorial Hall. Matt seconded the motion, which passed unanimously.**
- 14) AT&T cell service update – Martha said last Tuesday AT&T told her they were going to be installing an older technology on the tower to see if that resolves the problems most people are having but she has not heard from them since.
- 15) Water system update – Consumer Confidence Report (CCR): Martha said the CCR is an annual report we send to all water users letting them know about water quality test results among other things. Win said Martha has asked the Selectboard to approve the cost of printing and folding the report. **Brett moved to approve the cost. Win seconded the motion, which passed unanimously.** Renew contract with P2 Environmental: **Matt moved to approve the contract with P2 Environmental as Operator for the West Windsor Mountain Water System. Brett seconded the motion, which passed unanimously.** Delinquent bills: Win said there are \$11,425 in bills outstanding on the water system and \$23,456.37 outstanding on the sewer system. Win said Cathy has asked Patricia to work with her to start threatening to shut off water for delinquent users. Martha said there's a procedure they have to go through. Matt asked how you shut someone's water off. Martha said it would be shut off at the curb stop. Martha said the revised sewer ordinance, once it's passed, will allow the town to shut water off for sewer delinquencies too.
- 16) Sewer system update – RFQ follow-up: Win said we have to interview the firms that responded to the town's RFQ. Win asked Matt to meet with him to brainstorm questions. Matt suggested Wednesday at 3:00 PM. Sink hole @ school: Martha said, according to Barry Sleath from Daniels Construction, we should consider digging it up to investigate but it's been more than a year since they did the work so it's no longer under warranty and they're booked through August. Win asked Mike if he or Dan Lesnick could do it. Mike said yes. Delinquent bills: See item #15 above.
- 17) Library update – Tom said Cathy has not been withholding federal and state income tax from the Librarian's paycheck so the trustees have asked Lynn to set aside funds to cover the tax withholding amount while they look into the policy. Tom suggested consulting with John Mudgett. Win said the first question has to do with the ownership of the Library; whether it's a private library or a public library. Beyond that, Win said he doesn't think it's a question of town personnel policy, he thinks it's a question of federal law. Brett said there may be an exception based on the number of hours an employee works. Win said he will talk with John Mudgett about it.
- 18) Other Business – Personnel policy update: Win said Mike, Martha, Cathy and the Selectboard met with a consultant from the Vermont League of Cities and Town (VLCT), who is going to incorporate the town's current practices into VLCT's model personnel policy and send a draft to the Selectboard

for consideration. Win said hopefully, by the end of summer, the Selectboard will have a draft that they are prepared to adopt.

- 19) Approve Minutes – May 29th & June 1st: **Brett moved to approve the minutes. Matt seconded the motion, which passed unanimously.**
- 20) Adjourn – **Brett moved to adjourn at 8:36 PM. Matt seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison