

West Windsor Selectboard  
Draft Minutes  
June 12, 2017

Present: Dick Beatty, Win Johnson, Brett Myers, Tom Kenyon, Martha Harrison, Mike Spackman, Deb Shearer, Glenn & Shelley Seward, Tom Kennedy (SWCRPC), Chris Yurek, Evan Fitzgerald (Fitzgerald Environmental), Todd Menees (VT River Mgmt. Engineer), Cathy Boedtke, Amy Yates, Phil and Nancy Hamilton, Mark Isenberg, Bill Ley, Jim Kenyon, Bill Young, Tom Kenyon, Ted Siegler, Mike Silverman

- 1) Call to Order – Selectboard Chair Dick Beatty called the meeting to order at 6:30 PM.
- 2) Changes or additions to the agenda – The Water Operator’s contract is not available (item #12). Ambulance response time: Brett said there was an ambulance call last night and it took the ambulance way too long to get there, and there was another call recently with a response time of over an hour. Dick said he will call Windsor’s Town Manager in the morning. Pollution Abatement Grant: Martha said she doesn’t think the state budget has been signed by the Governor yet so our grant funding is still up in the air. Holden Engineering: The town received a letter from Holden Engineering offering their services. Other: Other items added to the agenda for discussion under “Other Business”: Ratify approval of letter to VT Council on Rural Development; Grants-in-Aid; closing of pellet plant; Old Home Day; funding for tree removal; Town Hall plantings; Historical Society fundraiser.
- 3) Announcements/Public Comment – Fireworks permit: Cathy Boedtke asked the Selectboard and the Fire Chief to sign the paperwork. Cathy said she has spoken with the Police Chief about assistance with “un-parking” for the fireworks and will touch base with him again a few days before the event. Cathy said they are planning to close a portion of Sky Hawk Lane from noon until the fireworks are done. **Win moved to authorize the Chair to sign the fireworks permit paperwork. The motion passed unanimously.** Speeding: Bill Ley said he’s pleased that the Brownsville-Hartland Road is being paved but people are already driving at 60 to 70 MPH and he’s concerned about accidents. Nancy Hamilton said she has offered to let the Windsor Police Department park in their driveway but they have not taken them up on their offer. Phil Hamilton agreed and said there are sections of road where you can’t see cars coming in the opposite direction. Phil asked when the last engineering study was done. Mike said the Regional Planning Commission will be doing one this summer. Bill asked if the Constable can give tickets. Dick said no. Win suggested talking with Windsor Town Manager Tom Marsh. Bill Ley said when Ralph was in charge West Windsor had a reputation for catching speeders; now we have the opposite reputation. Bill asked the Selectboard to consider hiring the Sherriff for additional speed patrol. Win said he thinks the Selectboard should start by talking with Windsor. Dick said he will contact the Windsor Town Manager.
- 4) West Windsor Fire Station dam removal project – Evan Fitzgerald provided background information about his company’s geomorphic assessment of the Mill Brook watershed. Two of the projects identified during the study were the removal of the dams behind the Brettell property and the Fire Station to mitigate flood risks, reduce the collection of sediments, and facilitate fish passage. Evan then reviewed the plans for replacing the dam behind the Fire Station with weirs, without affecting the supply of water for firefighting in the village. The project will reduce flood elevations by 1’ to 1 ½’ upstream. Evan answered questions about

the project and said he will be on site during construction to make sure the weirs are built in accordance with the plans. There was discussion about the amount of water going into the intake pipe that feeds the hydrant. Evan said the project is designed to provide at least 2,400 gpm, even under “low flow” conditions. Todd Menees said the weirs will need to be inspected on a regular basis and may need occasional maintenance. Win asked if a stream alteration permit will be required every time the weirs need maintenance. Todd said no; the threshold is 10 cubic yards so, for minor maintenance, the fire department can just notify him by email. Todd said the contractor will not be allowed to leave unless there is sufficient water in the intake pipe. Tom Kennedy said the Regional Planning Commission got a \$30,000 grant to cover the cost of this project. Todd noted that this type of project has been done elsewhere in Vermont. Evan said the Army Corps permit application will be submitted shortly and the plan is to do the work in late August or early September. Mike said he still has concerns but is feeling better about the project. Evan said they’ll make sure it’s working before the contractor leaves. Ted said it’s a trade-off; an increase in the height of the weirs increases the level of water in the intake pipe but also increases the flood risk upstream. Ted said when the results of the geomorphic assessment were originally presented to them, the Conservation Commission endorsed this project. Mike signed the permit applications on behalf of the Fire Department.

- 5) Event application: Vermont 50 Mountain Bike/Ultra Run from September 23<sup>rd</sup> at noon until September 24<sup>th</sup> at 7:00 PM at the parking area on the mountain – Mike Silverman said they have permission to use the Cunningham parking area. Mike noted some minor changes to the route, but no other changes. Mike said his organization is providing insurance for both days. **Win moved to approve the application. Brett seconded the motion, which passed unanimously.**
- 6) Consider Bill of Sale for Pisten Bully groomer – Glenn described the complications that resulted from multiple potential buyers expressing interest in the groomer. Ultimately, Glenn sold the groomer to the first bidder to provide the funds, which resulted in the second bidder registering a complaint with the Selectboard Chair. Dick noted that we may hear from the second bidder again. **Win moved to authorize the Chair to sign the Bill of Sale. Brett seconded the motion, which passed unanimously.** Win asked if the town and Ascutney Outdoors (AO) are still going to split the proceeds 50:50. Dick said, at the present time, he thinks the funds should remain in AO’s account, pending further discussion.
- 7) Discuss use of parking lot by Ascutney Outdoors (AO) – Dick said the town has a lease agreement with AO and the parking lot is not included in the lease, except that the town agreed to plow and maintain a portion of the parking lot for AO’s use. Dick said it’s his understanding that AO would like the town to indicate that the entire parking lot is available to them for any and all AO activities. Dick said the lease requires the use of the parking lot to be separately negotiated and, although he doesn’t want to cause problems for AO with Act 250, he wants to abide by the terms of the lease. Win said he thinks the lease should be revised to include the parking lot. Glenn asked about the rationale for leaving the parking lot out of the lease. Dick noted that there are events, such as the Fourth of July fireworks, that take place in the parking area that are not AO events. Win asked Glenn when AO needs the letter of support. Glenn said AO would like to file their Act 250 application in a week to ten days. Dick noted that AO’s Act 250 application is not a joint application with the town. Win said he thinks the town wants to reserve the right to use the parking lot, while also allowing AO to use it. Win said he thinks we need to resolve the differences between the Lease, the Event Ordinance, the Facility Use policy and the letter of support so they’re all consistent. Glenn said he will talk with Engineering Ventures about what they need to submit with the permit application.

- 8) Consider Letter of Support for Ascutney Outdoors – See item #7.
- 9) Consider request by Ascutney Outdoors (AO) to waive permit fees for new AO Center – Win said he thinks we need to have a policy so we can be consistent in granting waivers. Glenn withdrew the request pending the development of a policy. Dick suggested including this in the discussion about the use of the parking lot. Brett agreed with Win that the Selectboard should have a consistent policy.
- 10) Highway Foreman’s Report – Mike got a quote from Stoney Electric to wire the maintenance garage for \$1,534.50, which is within the budget. Mike said paving the Brownsville-Hartland Road has started. The mower is being repaired but should be back in service soon. Mike noted 18” of rain since mid-April, which has interfered with grading the roads. Mike said the ditching that can be done with town equipment is almost finished. The new truck arrived last Thursday and is in service. Mike noted that the town has to do \$2,300 in repair work on the old truck before we can trade it in. Regarding the bench in memory of Ralph Johnson, Mike said the Fire Department has already paid half the \$2,760 cost so the work could get started. Tom said the final payment isn’t due until the fall. Win suggested a dedication ceremony when the bench is in place. Dick suggested that the town contribute whatever amount is not covered by donations. **Brett moved to approve payment by the town of the unpaid balance due on the bench. Win seconded the motion, which passed unanimously.**
- 11) Consider Better Roads grant agreement for Silver Hill project – Mike noted that the stakes marking the edge of the Silver Hill Road right-of-way will be in the ground tomorrow. Win suggested sending a copy of the June 8<sup>th</sup> minutes to the abutters’ attorney, Steven Ankuda. Mike said he will contact Attorney Ankuda. **Win moved to authorize Dick to sign the grant agreement. Brett seconded the motion, which passed unanimously.**
- 12) Consider Water Operator’s contract – The contract was not available for consideration.
- 13) Water system update – Martha said she and Win have been working on the ordinance with Jim Barlow. Martha also noted that she and Patricia Beavers are going to meet with A+E engineers Bob Moulton and Jason Booth on Wednesday morning to walk the site and see if anything still needs to be done. Win asked if Manosh is done. Tom Kenyon said as far as he knows Manosh is not done. Martha said Patricia wants Bob and Jason to look at the pressure reducing valve. Win said he would like A+E to provide final numbers on both water and sewer. Martha said she has a list of A+E’s sewer invoices which she is comparing to the other information we have. Mike asked Martha to let A+E know that the hydrant by the parking lot needs to be rotated 180 degrees.
- 14) Sewer project update – Martha said Bob and Jason will be here on Wednesday at 1:00 PM for the final village sewer inspection. Tom Kenyon said a number of people are concerned about their service line clean-outs sticking up too high.
- 15) Authorize funding for legal review of sewer ordinance – Win said the water ordinance is almost complete and there are a number of administrative provisions that should be consistent with the provisions of the sewer ordinance so he would like the attorney to review the sewer ordinance to make sure we have parallel processes in place wherever possible. **Win moved to authorize \$1,000 for a review of the sewer ordinance to ensure that the processes are parallel with the water ordinance wherever possible. Brett seconded the motion, which passed unanimously.**
- 16) May Police Report – Dick noted nothing unusual in the report. Dick said he will talk with the Town Manager about the speeding issue raised earlier. Win said maybe we need to suggest that the Windsor Police Department focus more of their directed patrols on the Brownsville-Hartland Road.
- 17) Other Business – Old Home Day: Tom asked if a public assembly permit is needed for Old Home Day. Dick said yes. Tom said they have police coverage lined up. Tree Removal: Tom

asked for an additional \$2,000 for the removal of trees on Rowe Hill Road and Morrison Road. Win asked Tom how much of the tree budget has been spent. Tom said he doesn't know. Win asked Tom to provide a tree removal budget update at the next Selectboard meeting. **Dick moved to approve an additional \$2,000 for tree removal. Win seconded the motion, which passed unanimously.** Town Hall plantings: Tom asked if the Selectboard would like perennials planted in the empty garden space outside the Town Hall as recommended by the Beautification Committee. Tom estimated the cost at \$1,000 and said it can be done within the Town Hall maintenance budget. There was discussion about the options. **Win moved to approve the request. Brett seconded the motion, which passed unanimously.** Pellet plant: Tom said he heard that the pellet plant went out of business because competitors were selling pellets at a reduced price. Historical Society fundraiser: Tom said the Historical Society would like to have a café serving breakfast and lunch at the Grange Hall this summer as a fundraiser but it's being considered a "change of use" for zoning purposes. Tom said the Historical Society would like to put on an addition at a cost of \$180,000 so they need to raise a lot of money. Tom said one could argue that it's the same activity that has taken place at the Grange Hall in the past. Amy Yates said she thinks the community needs something like this while the General Store is closed so she offered to operate a café for 2 ½ months this summer. Amy said she thinks it would bring business and awareness to the Historical Society. Amy said it would be open from June 15<sup>th</sup> to August 31<sup>st</sup>, with twenty seats. Amy said she has applied for permits with the state. Win said he doesn't understand the problem. Deb Shearer said a café in the village is a conditional use, which needs to go through the Development Review Board. Deb said the only existing permits she could find for the Grange Hall were a permit for a "meeting house" and a water/wastewater permit. Deb said the Grange Hall used to have a dug well and had to drill a new well in 1993; the associated permit authorized twenty meetings/events per year. Mark said zoning regulations are open to interpretation, and he thinks this would be a continuation of the services that the Historical Society offers, along the lines of the baked bean suppers. Tom said he has interviewed all of the neighbors and none of them have any reservations about allowing this use. Tom said it's not possible for the zoning regulations to list every use. Deb said that's why we have a Development Review Board. Amy said she doesn't think this is a change of use, which would trigger that. Deb said the only existing permit she can find specifies twenty events per year. Deb said she thinks having a café open six days a week is a change from twenty events per year. Mark said the "events" referred to are larger than a 20-seat café. Tom said the bean suppers used to be every Saturday from summer into fall so the total number of people would be about the same. Amy said she's just trying to support the community and she's trying to expedite this because she only has 2 ½ months. Amy said it will increase awareness of the Historical Society and provide them with a big donation. Tom said the Historical Society would not support having a café if it was a permanent use, but it's just for the summer. Bill Ley said he thinks there should be an exception for a temporary use. Bill added that the benefits to the Historical Society and the Town should be taken into consideration. Dick said we'll have to look at the regulations and see if there is an exception. Win asked what permitting has been done. Amy said a zoning application has been submitted and she's done most of the legwork with the state. Tom said he thinks it should be handled like a temporary trailer after Irene; after August 31<sup>st</sup>, the café will be gone. Deb agreed that there aren't provisions in our zoning regulations for temporary uses and, according to VLCT, there are no statutes that reference temporary uses. There was discussion about the different roles of the Planning Commission, the Selectboard and the Development Review Board (DRB) with regard to zoning. Tom suggested that the DRB call a meeting and discuss this issue. Dick said there are statutes with regard to notice requirements. Amy asked why the

DRB has to be involved if the zoning regulations don't address temporary uses. Mark said he doesn't think the Selectboard grasps the depth of loss the community has suffered. Win said the Selectboard does grasp that. Win said he doesn't know what role the Selectboard has to play in this issue but we're all on the same team and we should be trying to find a way through this if we can. Brett asked what the repercussions would be if there are no statutes on temporary uses. Win said the Zoning Administrator has an application that she needs to act on. Amy said she can withdraw the application; she was just trying to do the right thing. Amy asked what the process is. Win said he's not sure. Tom said he thinks the DRB should meet right away and decide whether or not it's a change of use. The Selectboard agreed to check with the DRB and to consider whether or not there are any other options. Ratify approval of letter to VT Council on Rural Development (VCRD): **Win moved to confirm that the Selectboard is applying to be considered for VCRD's Community Visit program. Brett seconded the motion, which passed unanimously.** Grants-in-Aid: **Win moved to ask Mike and Martha to fill out the Grants-in-Aid forms so we can file them as soon as possible.** Sign: Brett said she thinks we should have a sign/bulletin board like the one in Hartland with information about upcoming events. Brett said she would be willing to keep it up-to-date. Deb said she likes that you can read the Hartland board as you drive by. Brett agreed. Win said there must be some management policy in Hartland that determines what goes on the board. Brett said she will look into that. Mike said it should not block the vision of traffic.

- 18) Approve Minutes – **Win moved to approve the minutes of May 22<sup>nd</sup>. Brett seconded the motion, which passed unanimously.**
- 19) Town Clerk/Treasurer's Report – None
- 20) Sign Town Clerk's orders – There were no orders to sign.
- 21) Adjourn – **Win moved to adjourn at 9:05 PM. Brett seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison