

West Windsor Selectboard
Draft Minutes
May 14, 2018

Present: Brett Myers, Win Johnson, Matt Kantola, Mike Spackman, Tom Kenyon, Martha Harrison, Bill Young, Deb Shearer, Rudy Gross, Bruce Boedtger, Erik Boedtger, Police Chief Bill Sampson, Cindy Siegler, Cathy Hoyt (Windsor on Air)

- 1) Call to Order – Selectboard Chair Win Johnson called the meeting to order at 6:30 PM.
- 2) Changes or additions to the agenda – 2017 audit status
- 3) Announcements/Public Comment – Library: Tom noted that the Library Trustees are working on their Bylaws. Tree removal: Tom said some trees will be removed from the Ski Tow Road parking area for safety reasons and to facilitate plowing. Sheddsville Cemetery: Tom said some grading work is being done at the cemetery but the lilac replacement is being put on hold. Public Restroom Law: Tom said the restrooms in the Library, Town Hall, Church and Grange Hall comply with Vermont’s new restroom law.
- 4) Discussion of draft Animal Control Ordinances – Dogs: Win noted a number of incidents in the past six months involving dogs and one involving poultry. As a result, the Selectboard had the town’s 1999 animal control ordinance updated and had a poultry ordinance drafted. Bruce suggested softening the language about dogs defecating in public areas since there are thousands of acres in the Town Forest and it’s not practical for owners to clean up after them unless they do it on a recreational trail. Win said he thinks Section 5(10) and Section 6(A) may be in conflict and may need clarification. Win said the intent of 6(A) is to allow someone who is on unposted property for a legitimate reason to file a complaint if bitten by the property owner’s dog. Chief Sampson said if you’re on posted property, then you’re trespassing but if you’re lawfully on unposted property and you’re attacked, then you could file a complaint. If you’re warned in person verbally, or by signage, not to enter the property and you do it anyway, then you’re there unlawfully. There was discussion about the ticketing process for violations. Poultry: Win said he was asked if the poultry ordinance is intended to address a wandering chicken that gets run over. Win said that is not the intent; the intent is to address nuisance situations. Cindy said she doesn’t think an ordinance should be developed to address a specific incident. She added that it’s not “agriculturally friendly.” Matt noted that there are two sides to the issue. Win said Section 4(A) which allows the enforcement officer to “impound any poultry found off the premises of the owner” may need some modification. Cindy suggested combining the Poultry Ordinance with the Animal Control Ordinance. Win said the town was advised against that by the attorney we consulted but he will ask the question again. Erik said he has had a problem with his neighbor’s geese for more than five years and he thinks there should be a separate ordinance. Rudy said what we really need is a responsibility ordinance that would allow the town to take the animals when the owner is not being responsible for them. Win said the Poultry Ordinance would accomplish that but he thinks 4(A) should specify that poultry would only be impounded if they are creating a nuisance. Chief Sampson said “nuisance” is the key word; the police aren’t going to be out looking for loose chickens, they’re only going to come out if they get a complaint. The Chief added that ducks and geese don’t fall under the definition of “domestic pets,” which is probably why the attorney recommended separate ordinances. Erik asked if photographic or video evidence of a violation would be sufficient to allow the police to

enforce the ordinance. The Chief said yes; it's a civil ordinance so the threshold is lower. If there is a documented complaint, a citation can be issued. The fines are progressive so if someone is cited and doesn't fix the problem, the police can go back the next day and re-cite them. Cindy said it's conceivable that someone could complain that her cows are too noisy and she'd hate to see this thing snowball against agriculture. Win said we may only need to use this ordinance once; it's just an arrow in our quiver. Bruce agreed that, in most cases, neighbors are able to resolve these situations among themselves but, in this case, the owner of the geese has chosen to ignore the problem for five years. Without an ordinance, Bruce said, the police can't do anything. Matt said maybe it would make sense to add pigs, goats, sheep and cows to the ordinance; people need to keep their farm animals on their own property. An unidentified member of the public noted that she moved here from Colorado because she wants to live in a rural environment where chickens are running around and cows are mooing. She suggested that people with gardens who want to keep geese out should fence their gardens. Matt disagreed and said the people with the geese should fence their geese. Cindy said it sounds like the property is too small for the number of animals. Erik said the problem started with five geese and it was just as bad. Win said this ordinance is a first draft; he'll present the public's questions to the attorney and come back in two weeks, either with a second draft for public comment, or a draft to be considered for adoption. Rudy asked how quickly the ordinance could be enforced. Martha said sixty days after adoption. Win said once the ordinance is adopted, the town can provide the owners of the geese with a copy and inform them that it's going to be enforced.

- 5) Sign Town Clerk's orders – **Brett moved to sign orders. Matt seconded the motion, which passed unanimously.**
- 6) Town Clerk/Treasurer's Report – Dog Warrant: Win noted that the warrant authorizes Bill Young to pursue unlicensed dogs. **Matt moved to approve and sign the dog warrant. Brett seconded the motion, which passed unanimously.**
- 7) Sink hole/paving project at school – Win said when the school was originally connected to the sewer system, we didn't have "as built" drawings so we didn't know that there were two pipes coming out of the school and, as a result, only one was connected. When we discovered the problem, the town had Daniels connect the second pipe. On the section that Daniels installed, there's a sink hole. Martha called them and they're going to come over and look at it. In addition, Win said, the paving job that was done on the school's walkway after the sewer pipe installation has some depressions where water collects and freezes making the walkway hazardous. Win said last fall the town agreed to repair that section of walkway after school is out and hopefully the sink hole can be repaired at the same time. Win said he thinks we should get the paving company lined up. Win noted that the paving company quoted on the job with the understanding that they would be doing the Landino driveway and the school walkway at the same time, which may not be the case. Martha said she emailed Trace Landino last week but has not heard back from her. Win said paving the school walkway may be a little more expensive if both jobs are not done at the same time.
- 8) Mount Ascutney Outdoors – Revised Lease Agreement: Win said Ascutney Outdoors (AO) has a meeting tonight, which is why no one is here to represent them but they are in agreement with the redraft of the lease. However, Win said, Martha has some questions that need to be addressed and VLCT has not given the town a firm opinion that AO's insurance coverage is adequate. Win said VLCT will get back to us before our next meeting and he'll work with Martha on clarifying the draft. Coincidentally, Win said, we recently realized that

the Back-Country Ski Slope Area was not included in the AO lease. The revised lease includes the Back-Country Ski Slope Area, provided it is used consistent with the limitations in the Conservation Easement. In addition, Win said, the town has received a request to allow paragliders to use the Back-Country Ski Slope Area. Win said initially the paragliders asked AO for permission and then, after some back-and-forth, we discovered that AO does not have authority to grant permission because that area was not leased to them. So the proposal is to lease the Back-Country Ski Area to AO and leave it up to them whether or not to allow paragliding but, before we can do that, we have to get permission from the Upper Valley Land Trust and we have to amend the Community Forest Management plan to allow paragliding. Win said hopefully a final draft of the lease will be available for adoption at the next meeting. Bruce suggested that the town make sure paragliding is covered by insurance. Win said the paragliding group has given the town a certificate of insurance. Tom said he was under the impression that the area above mid-station was going to remain “wild.” Win said some former ski trails can be mowed and some have to be allowed to revegetate. Matt said there is a map that clearly shows which trails can be kept open. Matt added that mechanical lifts cannot extend into the back-country area. Rudy agreed with Tom; he thought there was not supposed to be any trail maintenance above mid-station. Win said he will find the relevant language in the easement and send it to Tom and Rudy. Bruce said we have to be careful of “creep” in activities as well as trail maintenance. Tom asked how it benefits the town to allow paragliding; it’s a liability. Win said we’re trying to develop a recreational area with a diverse set of opportunities. Win added that paragliding is a low impact activity. Tom said he thinks there will be more rescue calls and asked who’s going to cover that expense. Matt asked if there is a charge when someone has to be rescued. Mike said no; if we’re going to charge for rescues, we’d have to charge for all rescues not just paragliders. Win noted that this is all still up for discussion. Revised Facility Use Policy: Win said he thinks the Selectboard should wait until the lease is adopted to adopt the revised facility use policy. Win said the intent is to clarify that, for Ascutney Outdoors, the lease takes the place of the Facility Use Agreement. East Chairlift Bill of Sale: Win said Sky Trans, the company that is acquiring the east chair in exchange for removing it, would like a Bill of Sale from the Town. **Matt moved to approve and sign the Bill of Sale. Brett seconded the motion.** Tom asked if there is a deadline for Sky Trans to remove the lift. Win said June 15th. **Win called for a vote on the motion, which passed unanimously.** Letter of Support to EC Fiber: Win said at their last meeting the Selectboard agreed that they support AO’s request for free service from EC Fiber. Since then, AO has asked the Selectboard if they would be willing to sign a letter indicating their support. **Matt moved to authorize Win to sign a letter of support on behalf of the Selectboard. Brett seconded the motion, which passed unanimously.**

- 9) Three-town Recreation Project update & representation – Win noted an update on the project received from Michael Bell. Win asked Matt if he would be willing to be the town’s Selectboard representative for the project. Matt said he would be willing if he is available. Win said he would serve as the back-up representative when Matt is not available.
- 10) Discuss discontinuance of certain Class 4 Roads & their designation as Legal Trails – Win said he doesn’t think this is an urgent matter since we have until 2036 to address our road erosion issues. Win suggested waiting until we have the Road Erosion Inventory report from the Regional Planning Commission to decide when and how to proceed. Mike said he thinks disturbing the Class 4 roads to do the required maintenance could cause more problems than it solves. Martha said reclassifying Class 4 roads as Legal Trails doesn’t prevent the town

from maintaining them. If they're Class 4 roads, Martha said, the state decides when and how the town will maintain them and, if they're Legal Trails, the town decides when and how to maintain them. Martha said she's concerned that the state's maintenance requirements will have a negative impact on the character of roads like Queen Victoria. The Selectboard agreed to wait for the Road Erosion Inventory before deciding how to proceed. Win said we should have the report in about a month.

- 11) Highway Foreman's report – Mike said the highway department has graveled most of the roads and now they're spot gravelling as needed, ditching and replacing culverts. Mike noted that the town needs to submit our MRGP application soon and added that he thinks the town should apply for "Grants-in-Aid" funds again this year to do more erosion control work on hydraulically connected road segments. When we get the Road Erosion Inventory, Mike said, we can use it to help us decide which road segments to work on. The new one-ton truck should be here next week. Mike said he'd like to do some minor maintenance on the water system's UTV. The Selectboard agreed that he should go ahead and charge the work to the water system. Mike said the town purchased a second-hand hydro-seeder for \$2,500. In the past, we've rented one for \$400/day so having our own will save money. Lastly, Mike asked if the Johnsons might grant the town a permanent easement through their property to access the resort area in an emergency. Win clarified that it's Rita's property and suggested that the town ask Jim Barlow to draft an easement agreement. Martha asked if we will need to have a survey done. Win said he doesn't think a survey is necessary. Rudy asked about mowing to control poison parsnip. Mike said they start mowing around Memorial Day but the mower only gets 6' or 7' along the side of the road; beyond that, it's up to the property owner to control the parsnip.
- 12) Bible Hill culvert project update – Win noted the recent meeting with the abutting property owners and District 4's assurances that West Windsor would get a grant for the project. Mike noted that the state budget has not passed yet.
- 13) Accept resignation from Planning Commission & appoint new member – **Brett moved to accept Matt Kantola's resignation from the Planning Commission, with appreciation for his service, and to appoint Laura Stillson to take his place. Matt seconded the motion, which passed unanimously.**
- 14) Accept resignation from Development Review Board & appoint new member – **Brett moved to accept Genevieve Lemire's resignation from the Development Review Board, with appreciation for her service, and to appoint Bruce Boedtger to take her place. Matt seconded the motion, which passed unanimously.**
- 15) Conference attendance (Economic Development; Planning & Zoning) – Win said Deb has asked to attend the upcoming Planning and Zoning conference, and he and Planning Commission Chair Al Keiller would like to attend an upcoming Economic Development conference. Deb said Mike Dudley, who is a new member of the Planning Commission, would also like to attend the Planning and Zoning conference. Win noted that for Deb, because she's a town employee, the town would cover her time and mileage in addition to the cost of the conference. **Matt moved to approve the expenditures associated with the conference attendance. Brett seconded the motion, which passed unanimously.**
- 16) VLCT proposal for HR Consulting Services – Win said the town's personnel policies are not in compliance with state mandates so he asked VLCT for a proposal to assist the town with updating the policies. Win said the first step would be for VLCT's consultant to meet with Mike, Martha and Cathy to get feedback on the town's current policies. **Matt moved to**

accept the proposal from VLCT for a price not to exceed \$2,000. Brett seconded the motion. Tom asked if the policy will address part-time employees. Win said we'll look to the consultant for advice on that. **Win called for a vote on the motion, which passed unanimously.**

- 17) Adopt West Windsor Hazard Mitigation Plan – Win said this is the plan that the regional planning commission worked on with the town. **Brett moved to adopt the West Windsor Hazard Mitigation Plan. Matt seconded the motion, which passed unanimously.**
- 18) Water system update – Ascutney Outdoors (AO) service connection: Martha said AO's service connection has been losing pressure so they are planning to have Manosh come down and look at it. Win said, according to Glenn Seward, the problem is on AO's side of the shut-off so it's their problem, not the town's problem. Sanitary survey results: Martha said there were a few minor issues noted in the sanitary survey. Patricia Beavers is going to replace the screen on the overflow pipe and the missing bolt on the well cap tomorrow, and is working on the O&M Manual. A+E has the hydraulic information requested by the Drinking Water Division and was planning to submit it as part of the final Hydraulic Analysis Report. COW removal: Martha said it's her understanding that the COW (i.e. the temporary cell tower behind the AO Center) is going to be removed shortly. Mike said he no longer has cell service.
- 19) Sewer system update – Mts. Edge easement: Martha said we did hear from the Mts. Edge Condo Association that they would like to hear more about the easement at one of their upcoming meetings. RFQ: Win noted that we still need to generate a list of questions to ask the engineering firms that replied to our RFQ.
- 20) Police Contract – April Report: There were no concerns about the April Police Report. June 11 meeting: Win noted that Windsor's Town Manager and Police Chief are planning to attend the Selectboard's June 11th meeting to discuss the Intermunicipal Police Agreement which expires on June 30th.
- 21) Schedule next meeting – The Selectboard members agreed to schedule their next regular meeting for Tuesday, May 29th, since Monday is a holiday.
- 22) Other Business – 2017 Audit: Win said John Mudgett has a draft of the audit ready for review. Win would like to schedule a special meeting for that purpose.
- 23) Approve Minutes: **Brett moved to approve the minutes of April 9th, April 23rd and May 4th. Matt seconded the motion, which passed unanimously.**
- 24) Adjourn – **Win moved to adjourn at 8:22 PM. Matt seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison