

West Windsor Selectboard  
Draft Minutes  
November 27, 2017

Present: Dick Beatty, Brett Myers, Win Johnson (by phone), Matt Birmingham, Mike Spackman, Cathy Archibald, Martha Harrison, Tom Kenyon, Dave Dugdale, Amy Rusiecki, Heather Hoyns, Glenn & Shelley Seward, Bill Ley, Sue Greenall, Deb Shearer, Merle & Leone Bushkin, Craig Miscovich (Downs, Rachlin, Martin), Cathy Hoyt (Windsor on Air)

- 1) Call to Order – Selectboard Chair Dick Beatty called the meeting to order at 6:30 PM.
- 2) Changes or additions to the agenda – None
- 3) Announcements/Public Comment – Tom noted the 60<sup>th</sup> anniversary of Bob & Betty French.
- 4) Town Clerk/Treasurer’s Report – The Selectboard agreed to consider the Treasurer’s report later in the meeting.
- 5) Sign Town Clerk’s orders – **Brett moved to sign orders. Dick seconded the motion, which passed unanimously.**
- 6) Event application by Vermont Adaptive Ski & Sports for the Vermont 100 Race at 1850 Silver Hill Rd. from Thursday, July 19, at 9:00 AM until Sunday, July 22, at noon – Dave Dugdale said their attorney is out of the country and will not be back until December 1<sup>st</sup>. Amy said, since the last meeting, the Vermont 100 Race organizers have submitted sound data and a revised site map. Matt said Mr. Dugdale has provided his attorney’s name and he will contact him.
- 7) Adopt Water Ordinance – Dick said this item, along with items 8 & 9 will be deferred until the Selectboard’s December 11<sup>th</sup> meeting. Dick noted that Matt received a letter about the ordinance and the resolution from the attorney for the Property Owners Association (POA) today. Matt said he will contact the POA’s attorney tomorrow.
- 8) Adopt Resolution establishing the West Windsor Utility Advisory Committee – See item #7 above.
- 9) Appoint Tom Marsh to Utility Advisory Committee – See item #7 above.
- 10) Event/Facility Use application: Ascutney Outdoors for the Thursday Night Ski Race events at the warming hut on Thursdays from January 4<sup>th</sup> – mid-March 2018 from 5:00 PM until 9:00 PM – Shelley said the goal is to get approval for this regular BYOB event on town property for one more year, until the Ascutney Outdoors Center is built. Shelley said the event application is for events with 100 or more participants, which this event does not have at any one time. Shelley asked the Selectboard to consider the races as a continuing event and give permission for BYOB on Thursday nights. Shelley said she consulted with the state alcohol board and they said they don’t weigh in on BYOB events. Dick said the race would be considered under the facility use policy rather than the event ordinance. Dick asked if Ascutney Outdoors’ (AO) insurance policy includes alcohol coverage. Shelley said yes. Dick asked if AO has had any problems with the event in the past. Shelley said no. **Brett moved to approve the application, subject to Win’s concurrence. Dick seconded the motion, which passed unanimously.**
- 11) Ragnar event update – Dick said this is a substantial event to take place in August 2018 on property leased by AO, as well as town property. Dick said his main concern is to ensure that the event doesn’t violate any of the easement covenants for the use of the property. Dick said Mike Bell has given a copy of the draft contract to the Upper Valley Land Trust and UVLT sees no conflict with the easement, although they noted a couple of caveats. Glenn asked if the town has given Matt a copy of the contract. Matt said no. Glenn said he will forward it, along with the proposed changes. Win called in to the meeting at 6:45 PM. Dick summarized the meeting for Win. Win said he agrees with the motion to approve the Thursday night race events. Dick noted that the attorney for the Dugdales is not present and asked Win if he has seen the sound data and revised site plan for the VT 100 event. Win said yes. Win asked some questions about the sound data. Heather said the peaks shown in pink are the maximum sound recorded and the

horizontal line is the decibel level of a typical television. Regarding the site plan, Win said it looks like what he saw when he visited the site during the event this past summer. Dick noted that Matt is present and asked Matt if the proposed event is a permissible use. Matt said he would prefer to speak with the Dugdale's legal counsel before commenting. Dave requested a copy of the sound data. Amy gave him a copy. Dave said at the last meeting, Heather said there were sounds a day or two after the event that were louder than any sounds recorded during the event. Heather said they have since determined that those were the sounds of the recorders being packed up in boxes. Win said it appears that, at around midnight on July 20<sup>th</sup>, the highest decibel level recorded was 95. Heather confirmed Win's reading of the graph. Amy said that recorder was at the finish line, the second recorder was at the bottom of the field, and the third was halfway down Silver Hill. Amy said the 95 decibels only occurred at the finish line, not at the other two locations. Win said at the same time, at the bottom of the hill, the decibel level was 80. Heather and Amy agreed. Dave asked what accounts for the noise on Monday night. Amy said she doesn't know because they were completely off site by then. Dave said he doesn't buy the data; it doesn't make sense. Win asked the event organizers if they would be willing to repeat the recording in 2018 if the event is approved. Heather and Amy said yes. Win asked if the plan is to let the attorneys talk. Dick said he thinks that would be wise. Amy said she would like the attorney for the Vermont 100 to be involved as well. Craig Miskovich from Downs Rachlin Martin introduced himself as the attorney representing the applicant. Craig said he thinks the Selectboard has enough information to make a decision. Matt said he is trying to avoid litigation. Win said he would like to hear the Dugdale's attorney make an argument that the Selectboard is exceeding its authority. Win said if that takes two more weeks, it would be worth it to him. Matt invited Craig to participate in the discussion with the Dugdale's attorney. Craig accepted.

- 12) Fourth of July request – Dick noted that the Selectboard received a letter from the Fourth of July Committee seeking a donation from the town for the 2018 Independence Day celebration. Bill Ley spoke on behalf of the Committee. Bill said it's always a challenge to find volunteers to plan and run the event, and to raise enough funds. Bill said they have 19 volunteers on four sub-committees and would like the town to consider putting an article on the 2018 Town Meeting warning asking voters to approve an appropriation of \$2,000 for the July 3<sup>rd</sup> and 4<sup>th</sup> festivities. Bill read the letter that was sent to the Selectboard. Win said he would support including the requested appropriation article on the warning. Tom asked what the Committee's total fundraising goal is. Bill said the goal is to raise \$10,000 and \$5,000 of that would be for fireworks. **Win moved to include an item for this appropriation on the warning. Brett seconded the motion, which passed unanimously.**
- 13) Treasurer's Report – Health Officer: Win said he left a message for Amy Ferguson and asked her to call Cathy. Cathy said she has not heard from Amy. Win said he will try to reach her again. Cathy said the appointment has to be made by tomorrow. Brett asked if Nancy Gaynor is willing to continue doing it. Cathy said Nancy is willing but would rather have someone else take over. Dick suggested appointing Nancy and then finding someone who is willing to take her place. **Brett moved to appoint Nancy Gaynor as Health Officer. Win seconded the motion, which passed unanimously.** Chart of Accounts: Cathy asked Win if he talked to Cynthia about the chart of accounts. Win said yes; she said she was stilling working on it and would be getting in touch with Cathy. Win asked Cathy if she has dates scheduled for Cynthia to come in. Cathy said she's supposed to come in next week.
- 14) Highway Foreman's report – Mike said they're about 1/3 done with the culvert inventory and have found 11 culverts that need to be replaced. Mike said the Better Roads grant has been submitted. Mike said he thinks we'll have power in the maintenance building at the ski area by the end of the week. Mike said they had to sand one day last week when there was freezing rain. Tom said he heard that the Town of Andover got a grant to bring all of their roads up to Clean Water Act standards. Tom asked when we'll get an inventory of the roads that are subject to the

Clean Water Act. Mike said we already have a rough idea that 57% of our roads fall in that category, so approximately 30 miles of road. Mike said it cost \$19,000 to bring two road segments, a total of 900 feet, up to the standard and we got a \$12,000 grant for that work. Tom said there must be more grants out there. Dick said we already got one grant but it could cost \$4,000,000 to \$5,000,000 to bring all our roads up to standard. Martha noted an email from Allison Clarkson stating that the legislators and regional planning commissions in our area are getting together to discuss this issue in more detail. Dick noted that the town sent a letter to our legislators and followed up with a link to the VPR broadcast on the subject.

15) Water system update – Martha said it's been quiet since the power outage.

16) Status of speed sign – Martha and Mike haven't heard anything further. Mike said he's concerned about having the sign up during snow removal season; he wants to make sure we can move it if necessary. There was brief discussion about the cost of purchasing our own sign. Mike said Chester's signs were about \$4,500 each. Bill Ley suggested that the town consider having the Sherriff do speed patrols. Dick said he doesn't know if the Sherriff can do additional speed patrols to supplement the patrols being done by the town's regular law enforcement agency or not. Bill said in some towns the Sherriff only does speed patrols and in other towns they respond to everything. Bill suggested getting a quote from the Sherriff. Bill added that Bridgewater took in \$118,000 in fines and asked if West Windsor gets a share of the fines imposed by the Windsor Police Department. Cathy said we do get a share of the fines if the person speeding is stopped on a town road and we have an ordinance for that road. Mike said the Sherriff's Department won't do emergency services; they won't respond 24 hours a day, seven days a week. Bill said it might be worthwhile to find out what they could do for us.

17) Minutes – November 13: **Brett moved to approve the minutes. Dick seconded the motion, which passed unanimously.**

18) Adjourn - **Brett moved to adjourn at 7:30 PM. Dick seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison