

**West Windsor Selectboard Minutes  
Monday, October 23, 2023 @ 6:30 pm  
Town Hall and Zoom**

**Present in Person:** Mark Harley, Mark Higgins, Mike Spackman, Cathy Archibald, Deb Shearer, Peter Varkonyi, Julia Burakian

**Present via Zoom:** Matt Kantola, Christine Dolan, Chris & Colin Eggleton

**1. Call to Order**

Mark Harley called the meeting to order at 6:31 p.m.

**2. Changes or Additions to Agenda**

Mark Higgins suggested that the BB&P Upcoming Events and the Varkonyi Subdivision Discussion be moved up on the agenda. He further suggested that the Q3 Budget Review vs Actual Expenditures item be moved to a future meeting so Matt Kantola can be present in person for the review. The BB&P/Varkonyi items will now appear as items 5 and 6 on the agenda. The Q3 Budget Review will be tabled until the next meeting when Matt Kantola is able to attend in person.

**3. Announcements/Public Comment**

Matt Kantola stated that he spoke with Shirley Oulette about standing water on Bowers Bridge and that she was worried that there may be a roof leak. It was decided that further discussion of this topic would be included with the Highway Foreman's Report.

Julia Burakian spoke about the recent swastika graffiti on the road signs by the resort. She asked that the West Windsor Selectboard make a statement of "love and inclusion" and the importance of bringing people together. Mark Higgins stated that the Selectboard "doesn't support or condone any vandalism, particularly of that sentiment", and that hate "has no place in West Windsor, which prides itself on being a welcoming community in all respects." A full statement from the Selectboard will be forthcoming in the near future.

**4. Approve Minutes of 9/25, 10/2, 10/5, 10/16, 10/18**

Mark Higgins motioned to approve the meeting minutes of the regular Selectboard Meeting on September 25<sup>th</sup>, plus the Special Selectboard Meeting minutes from October 2<sup>nd</sup>, October 5<sup>th</sup>, October 16<sup>th</sup>, and October 18<sup>th</sup>. Mark Harley seconded the motion. Matt K asked for clarification about whether any of the minutes had already been approved at previous meetings, and Mark Higgins stated that the minutes from the recent Special Selectboard Meetings had been held together to approve at the next regularly scheduled Selectboard Meeting. The motion to approve the minutes passed unanimously.

**5. BB&P Upcoming Events: Beer & Clams at BB&P (10/28), Wine Tasting at AOC (11/12), 5 Year Anniversary Party at BB&P (11/18)**

Deb asked Peter about how many people he is expecting for the Beer & Clams event. Peter stated he is expecting around 75 people since it wasn't highly advertised and is occurring during a slower time of year. He stated that the food would be "to-go", and it would "not be a big event, by any means".

Cathy stated that she didn't find a 2023 Outdoor Consumption Permit on record for BB&P. There was some discussion between Cathy and Peter about the status of BB&P Liquor Permits, and Peter said he would resubmit the 2023 Outdoor Consumption Permit request to the state.

Peter spoke of the challenges of hosting events on site at Butcher and Pantry since their conditional use permit only includes alcohol consumption on the deck. He said he spoke with someone from the Vermont Department of Liquor Control who stated that liquor permits cannot "stack", thus requiring a potential change to the BB&P Conditional Use Permit to include the parking lot and gravel areas for outdoor alcohol consumption. There was discussion about the permitting process and what can/cannot happen from the state perspective when it comes to "overlapping permits." Deb stated that a "material change" to the Conditional Use Permit would need to be run through the Development Review Board. Mark Higgins explained for Matt F how any change to the Conditional Use Permit would be a "permanent change" rather than something that could be approved on a case-by-case basis. There was further discussion about the steps that can be taken to get approval for the 11/18 Anniversary Event. Matt K spoke about the need going forward to formalize a process for approving "parking lot events" and potentially limit the number of events held annually, while being cognizant of the potential for putting "noise pressures" on the public. Peter stated that he didn't think they would want to hold more than one or two parking lot events per year.

Peter spoke about the November 12<sup>th</sup> Wine Tasting event to be held at Ascutney Outdoors, and the history of the event which has previously taken place in Norwich. He stated it is a fundraising event to benefit The Family Place, which is a nonprofit organization based in Norwich, and Ascutney Outdoors. He stated this will be an event for 21-and-older, with 80 tickets available. Peter explained the proposed details of the event and the catering process, and the event will take place from 6pm to 9pm on November 12<sup>th</sup>. Mark Higgins motioned to approve the DLL permit for the 11/12 event. Mark Harley seconded the motion, and all were in favor.

Matt K asked for clarification on the Beer and Clams event, and Peter confirmed that it would be taking place inside the store and conform with existing permits. The event will take place from 4pm to 7pm on October 28<sup>th</sup>.

Peter spoke about the potential conditions in place for the 11/18 Anniversary Party, including police detail, metal barricading, a rental agreement for parking at the adjacent Leland property, along with flaggers to assist with parking. He spoke about proposed details of the event, and BB&P's desire to show support back to the community. Mark Higgins motioned to approve the event permit for the 11/18 BB&P 5 Year Anniversary Party to allow for event planning to continue, with "such approval not to include the DLL permit until the Outdoor Consumption

issue is solved with the DRB”. Mark Harley seconded the motion and there was no further discussion. The motion passed unanimously.

## **6. Discussion: Varkonyi Subdivision on Strawberry Hill**

Peter stated that he and Lauren [Stevens] own a 6.25-acre parcel at the “top of Strawberry Hill”, and that they are looking to subdivide to create 2 parcels of just over 3 acres apiece, with the second parcel being sold to his parents who would then build a home. Peter spoke about an existing 50’ right-of-way in their deed which grants access to the Cady Mausoleum to the town and any resident in perpetuity. Currently, the deed does not specify where this right-of-way must be, only that it must exist. The proposed subdivision would place this 50’ right-of-way along the stone wall at the north end of the property.

Deb spoke about the meaning of “right-of-way”, and that the town would maintain the right to develop the right-of-way as needed for access to the Cady Mausoleum. There was discussion about maintaining the town’s right to upgrade the roadway as needed. Mark Higgins spoke about the details needed for the language in the deed to protect the town’s rights in the future. Mike Spackman spoke about the potential issue involved with the right-of-way being accessed only by a private road (Strawberry Hill), and how the town may not have access to the right-of-way itself. There was discussion about potential alternatives available to allow the town to maintain access to the right-of-way and the need to be explicit in the deed explaining the town’s rights vis-à-vis the right-of-way. Mark Higgins stated it was important to get the details right with this issue now to prevent any confusion or problems in the future relating to access to the deeded right-of-way. Mark noted that the Selectboard would want explicit consent written into the deed to allow the town and the public to continue to have access to the right-of-way via the private road. Deb asked Peter to have that condition written into the deed, and then be brought to the DRB for approval.

Matt Kantola motioned to approve the deeded right-of-way, and Mark Higgins added that the language must include “mandatory consent for access to the deeded right-of-way via Strawberry Hill for the purposes of maintenance on the Cady Mausoleum”. Mark Higgins seconded the motion to approve the deeded right-of-way, and all were in favor.

## **7. Town Clerk’s Orders**

Matt K asked about any large expenditures that were out of the ordinary. The only large expenditure was the new highway department truck, which was expected. Mark Higgins stated that the library polled their money, as well. There was a brief discussion about corrected tax bills. Mark Higgins stated he would sign the orders.

## **8. Highway Foreman’s Report**

Mike stated that the new truck was picked up today, and the 2018 truck was traded in.

The Highway Department is in the process of installing winter tires for their trucks. Mike mentioned that the 2020 truck needed 8 new tires on the back and the 2022 truck only needed 4 new tires for now but may need more later in the year. Replacement tires have been purchased but aren't needed quite yet.

Mike stated that all grading is done, and it's now just a matter of touch up on some hills as needed, along with some persistent potholes.

There will be a large expense incoming for the tractor, which will need the cab pulled off to address transmission issues. Mike reported that first and second gear do not work, and they are only using it in third and fourth gear, but that they are making it work for now. Mike stated that he spoke with Townline to verify that continuing to use the tractor would not cause further harm to it and that Townline stated that it "absolutely would not" cause further damage. The tractor will be used for blowing leaves and will be sent to Townline for repairs once that project is complete. Mike estimated \$10,000 for the necessary repairs to the transmission. Mark Higgins asked about when the potential bill would be due. Mike stated it would depend on the timeline before Townline could get it in for repairs, but that he thought it would probably be after the first of the year.

Mike said that for the fourth time this summer the Sheddsville yield sign has been stolen. There was discussion about how this happens, and ways to prevent it from continuing to happen. Mike stated that Windsor PD has been notified each time, and that cameras had been placed in that area, but that they hadn't yet gotten a good shot. There was consensus that it was likely the same person(s) committing the acts, and hope that perhaps someone would be noticed to have an abundance of yield signs.

There was a discussion about the water on Bowers Bridge on 10/21. Mike stated that he had 4" of rain on his rain gauge between Friday and Saturday, and that that much rain would lead to a lot of water everywhere.

Mike stated that he has signed the contract for winter salt, at a rate of \$86.50 per ton, which is about \$12.00 per ton more than last year.

Mark Harley brought up the \$10,000 for the tractor repair and asked whether it was worth it. Considering the tractor is only around 5 years old, it was decided that it was well worth it. Mike said that the previous problem with the tractor appears to have been solved, as well, though it had to go back a second time to get "new toggles in the joystick."

## **9. Highway Access Permit: Shafer – Coaching Lane**

Mike stated there were no issues, though he stated that as a condition of approval, the installed culvert would need to be 15" wide, and a minimum of 30' long, with a recommended length of 40'. There was a brief discussion of the location of the site on Coaching Lane. Mike and Mark Higgins both signed the approval for the Coaching Lane Highway Access Permit.

Mike asked about the resolution of the previous two Highway Access Applications. There was discussion about those sites, one on Coon Club Rd and one on Skyhawk Lane, to verify the conditions of approval. Matt F stated that the Overstreet application on Skyhawk Lane was approved with the condition that the trees were kept cut back and that the Coon Club Rd application would require the snowmobile club to be in contact with Mike to discuss the proper signage for the crossing. Matt K stated that he would ask Ralph Stone to get in contact with Mike to discuss what would be needed for signage for the Coon Club Rd application. There was continuing discussion about signage options and how it has been done to mark snowmobile crossings in other locations. Matt K asked Mike if the snowmobile club would be responsible for paying for and installing the signage, and Mike said that they would, and that he would be in touch with them to make sure the signs get put in the correct locations so they wouldn't be in the way for the Highway Department. Matt K told Mike that Dennis Lemire and Ralph [Stone] have been "the key people on that project".

#### **10. Discussion: "Regionalizing Emergency Services" meeting at Hartford High School 10/27**

Mark Harley spoke about a meeting scheduled to take place at Hartford High School about regionalized emergency services, focused on ways to make the services more efficient. Mike Spackman had said he'd heard about the meeting and didn't want to speak for [Fire Chief] Erik [Boedtger], but that it could potentially hurt West Windsor's service since Hartford is currently dispatching for us, and adding to their workload could negatively impact West Windsor. Mark Higgins and Mark Harley spoke about how this could be a chance for West Windsor to be heard on the issue. Deb asked if this was "dispatch that they're regionalizing" and Mike stated that it was. Mark Higgins read from the printout that the meeting would cover "response coordination, district structure, authority duties, and number of districts."

Mark Higgins said he would reach out to Erik Boedtger about his thoughts and stated that any interested members of the town would be welcome to attend the meeting. Mark Harley stated that the meeting would be at 6pm on Friday, 10/27.

#### **11. Review Generator Bids**

Matt K spoke about the two bids received, one from Brite Lite Electric and one from Brook Field Service. Mark Higgins read the bids for the record. He stated the bid from Brook Field Service is for \$21,057.00, and the bid from Brite Lite Electric is for \$26,237.00. Mark verified that both bids used the same specs and that it is a 1:1 comparison. Matt K stated that the installation may not be able to happen this calendar year due to how late in the year it is, but that it may depend on the weather.

Mark Higgins verified that this is for the well head pump at ABS, and Matt stated that it is, and that it goes along with the ARPA committee's recommendation. Mike S asked about where the generator would go, and Matt answered that it would go where the flagpole is on the island out front. Matt stated that the school would put up a cedar stockade fence around the generator, along with the above ground tank. There was discussion about plan details, and Matt K said he spoke with Jim Taft of the Windsor Central School District, and that Jim said that they were on

board with the maintenance. There was discussion about whether the town would retain ownership or sell it to the school district.

Mark Higgins stated that due to the unlikelihood of getting the project going before the ground freezes, the focus for now can be on settling the plan details with the school district. Matt and Mark discussed options relating to the ownership and maintenance of the generator, and that further discussion would need to take place with the Superintendent of the school district. Mark said that he believes this project would be a good use of APRA funds, but that he doesn't want to "commit the money until we know where exactly we stand with the school", and that he will be on board with pushing ahead once that's nailed down.

Matt K initiated a brief discussion about a snow stand to keep the generator 18" off the ground, which is recommended for snowy climates. Mark Higgins said he would be okay with a snow stand being included.

Mike S asked to clarify that, as the people responsible for plowing the school, the generator would not be in the way of the Highway Department's snow removal efforts. Matt K stated that the generator would not be in the way for plowing. Matt F stated that Jim Taft said his maintenance department would be responsible for snow blowing a path to the generator when they do their normal walkway snow removal on site. There was further discussion about plowing efforts, and it was decided that Mike would be brought in to consult on the installation to ensure that the placement would not impede snow removal efforts.

There was discussion clarifying the ask for maintenance and fueling for the generator. Matt K asked about what the agreement may look like between the town and the school. He mentioned that the school provides the Town Hall with water at no charge currently, and that providing them with this generator could be a good way to give back. Matt K and Matt F will speak with ABS to continue the process and report back at the next regular Selectboard meeting with a progress report.

## **12. FEMA Update**

Mark Higgins and Matt F spoke about the Town's progress with FEMA relating to the July flooding. Matt F stated that the paperwork for the first project (emergency road repairs) has been completed and submitted to FEMA. Mark Higgins spoke about the continued good work from the Highway Department, and the benefit to the Town from installing processes which will aid in the future in relation to planning, assessments, and reimbursements.

Mike S stated that the Town is working on building an RFP to find a contractor to do repair work on the Churchill Covered Bridge to fix the damage it sustained in the flooding. Repairs may begin as soon as the Town secures a contractor.

### **13. Review Windsor PD Log for September**

Mark Higgins and Matt K stated that they had reviewed the Windsor Police Department Log for September 2023 and “had no issues with it”. Mark Harley asked if Windsor PD had come to any conclusions regarding “the hate stuff on the mountain” and Mark Higgins stated that he hadn’t heard anything yet. Mark Higgins stated that he would also follow up with Chief Frank of the Windsor PD regarding the recent dog shooting on Weeden Hill Rd. Mark Harley asked if there were any doorbell cameras at the residences on the mountain and wondered if Windsor PD had the opportunity to review the footage.

There was further discussion regarding the recent swastika graffiti on the mountain, and Mark Higgins mentioned that the Selectboard has previously passed a conclusive statement relating to this topic, and that it should be reaffirmed. Matt F will follow up to find this statement and have it disseminated.

### **14. Other Business**

Mike stated that the Speed Cart was at its last location for the season, which is in Windsor near Juniper Hill. As of Thursday, October 26<sup>th</sup>, it will be placed in storage for the winter.

Matt K stated the EC Fiber project had a roadblock on Kimball Farm Rd while they buried conduit. That project is complete, and as far as he knows, EC Fiber has no more roadblocks planned in the town.

### **15. Executive Session**

Upon motion duly made and seconded, the Selectboard unanimously voted to enter executive session at 7:49 p.m. for the reasons set forth in 1 V.S.A. § 313(3).

The Selectboard came out of executive session at 8:16 p.m.

### **16. Final Decisions**

No decisions to note.

### **17. Adjourn**

Upon motion duly made and seconded, the Selectboard unanimously voted to adjourn at 8:17 p.m.