

West Windsor Selectboard
Draft Minutes
September 26, 2016

Present: Dick Beatty, Tom Kenyon, Win Johnson, Bruce Boedtger, Al Keiller, Steve Bodley, Mike Spackman, Steve Carihfield, Frank Kelley (Site Specialist for AT&T), Katharine Otto (SWCRPC), Martha Harrison, Cathy Archibald

- 1) Call to Order – Selectboard Chair Dick Beatty called the meeting to order at 8:00 AM.
- 2) Changes or additions to the agenda – Tom asked that items to be discussed be attached, with the agenda, in an email to the Selectboard.
- 3) Announcements/Public Comment – The refurbished Town Hall clock has been installed.
- 4) Certificates of Occupancy/Conformance: Al Keiller – Al said the Planning Commission (PC) discussed the backlog of certificates of occupancy, after the Town Clerk brought it to their attention. Al said the person receiving the zoning permit is supposed to apply for a certificate of occupancy (C.O.) when the work is done, but many of them don't. Al said the PC has asked the Zoning Administrator (ZA) to provide them with a report at their November meeting of all outstanding permits and their status. Al said the PC is also currently revising the zoning regulations and will narrow the requirement for a C.O. to those situations where there will actually be occupancy (i.e. a habitable structure). For those permits that don't result in occupancy, there can be a certificate of compliance. Win asked if the permittee will have to initiate the process for obtaining a certificate of compliance. Al said the PC still has to discuss that. Win wondered about the difference between the two certificates if both require a site visit. Al said the PC has asked the Regional Planning Commission to suggest some language for the regulations. Al said the current ZA is going to deal with the backlog from 2015 forward and Selectboard member Tom Kenyon has offered to be employed by the town to deal with the remaining backlog. Al said the PC recommends that the Selectboard hire Tom Kenyon to do that work at a cost not to exceed \$3,500. Win said he thinks it would be awkward to give the work to Tom without considering anyone else. Al said the current ZA said he would welcome Tom's involvement to get the work done expeditiously. Al said the PC feels it's important to close these out at a minimum of cost and it's too much work for the current ZA. Tom said he thinks it's important to have someone who knows where everyone lives do the work. Win agreed that Tom has unique qualifications. Tom said he would like to have the work done by January 1, 2017. Win suggested posting the job on the website for a week and asked if we have any policy on this. Dick said he doesn't have a problem with it as long as we have money in the budget for it, but he's also okay with listing it on the website for a week. Tom said he would be paid the same as all the other part-time employees. Dick said he thinks Tom has the background and the ability to do it. Win said, given Tom's unique qualifications, he would be okay with it in this case but would ask that, in the future, we post things like this. **Win moved to accept the recommendation of the PC and hire Tom Kenyon to address the backlog in certificates of occupancy at a cost not to exceed \$3,500. Dick seconded the motion, which passed with Tom abstaining.** Win asked Al about the draft Rules of Procedure document. Al said the PC frequently changes their meeting date or time and would like the flexibility to continue to do so. Win suggested that the PC just cancel their regular meeting when necessary and warn a special meeting. Al agreed.
- 5) AT&T temporary site: Frank Kelley – Frank said AT&T is trying to get permits and a lease in place for a permanent site on the north peak of Mt. Ascutey. Frank said they would like to do the construction after the State Park closes and before the weather turns bad. Frank said a view

shed analysis has been done in response to concerns from the Agency of Natural Resources. Frank said AT&T is proposing a 40' extension on the tower with closely mounted antennas. Previously there was a 60' TV antenna on the tower but that was removed a few years ago. Frank said if they miss their construction window this fall, they won't be able to do anything until spring. Frank then described the temporary trailer AT&T is planning to put on the Base Lodge parcel to house the equipment for their temporary tower until they can move forward with construction on the north peak. Frank described the temporary electrical service needed for the trailer. Frank said power to the Base Lodge is going to be turned off so AT&T wants to get the trailer and the temporary electrical service in place soon; both will be entirely on the Base Lodge parcel. Dick noted that the north peak tower is in Windsor. Frank said the town line is right there so it would be helpful to get a letter of support from West Windsor. Frank noted that the temporary tower, immediately south of the Base Lodge, is very close to the water lines. Win said there are two issues: a conflict between the trailer placement and the water project, and a potential conflict between the trailer location and the demolition of the Base Lodge. Frank said there's some flexibility because it's a trailer and it can be moved. Steve said, from Ascutney Outdoors' perspective, the trailer should be as far from the lodge as possible. Steve said the timing of the demolition will depend on funding. Frank said he thinks AT&T will have their equipment out of the Base Lodge in four to six weeks. Steve said there's no way Ascutney Outdoors would be demolishing the building in that time frame. Tom suggested talking with A+E and Manosh about running a few lengths of water pipe out toward Mountainside now so the trailer won't interfere with that part of the project. Tom asked Frank to put stakes where the trailer is going. Frank suggested a meeting with AT&T's contractor. Win said he thinks AT&T's project is good for the town because it gets their equipment out of the Base Lodge and provides better cell coverage so he is okay with sending a letter of support. Tom agreed. Dick said he thinks the letter should say we have no objection because West Windsor is not a party to the application. Frank said abutting municipalities are usually asked for comments. **Win moved to write ANR informing them of our interest in those two by-products of AT&T's proposal. Tom seconded the motion.** Tom asked about the telecommunications easement on the maintenance parcel. Frank said they looked at that but were not able to work out an agreement with Dan Purjes. Dick said improved coverage would benefit the town and it would also benefit the town if AT&T removes their equipment from the Base Lodge so it can be torn down. **Dick called for a vote on the motion, which passed unanimously.** Bruce asked about the temporary tower. Frank said that will be removed and the coverage will be better. Frank said AT&T's application is on the Public Service Board's website.

- 6) Road/driveway drainage: Steve Bodley – Steve said water drains off the road into his driveway and creates a substantial puddle that remains for three or four days. Steve provided photos for the Selectboard. Steve described the changes to the road over the years and said he'd like to have some fill put in the low spot in his driveway so it drains properly. Steve asked if he's responsible for filling in that low spot. Win asked if it's in the right-of-way. Tom said yes. Mike said the town does not work on private driveways, whether they're in the right-of-way or not. Mike asked Steve if he has ever added material to his driveway. Steve said yes; eight or nine years ago. Tom said if material is added to the driveway, the water can't run off the driveway into the road. Win asked if the town has an obligation to address the problem. Dick said he doesn't have a problem with the property owner raising the level of the driveway as long as it doesn't create a situation that affects the road surface. Steve said he was wondering if the town could fill it in. Tom said he has no objection to the property owner re-grading his driveway to the satisfaction of the Highway Foreman. Win disagreed and said if it can be shown that the problem is a direct result of something the town did, he thinks we have an obligation to address

it. Mike said the problem is not a result of work done by the town. Mike said you can't go years without doing maintenance on your driveway; if the driveway were crowned properly, the water would run off. Tom said the town has always left it up to property owners to maintain their driveways. **Tom moved to allow the property owner to re-grade his driveway to the satisfaction of the Highway Foreman. Dick seconded the motion.** Win said, in the future, if it's clear that a problem is caused by the town, then we need to take responsibility. **Dick called for a vote on the motion, which passed unanimously.**

- 7) Discuss public assembly permits & fees for AO-sponsored events on town property – Win said he thinks all events that occur on property leased to Ascutney Outdoors (AO) are under the auspices of AO. Win said he thinks the event permit application should come from AO rather than the event sponsor. Martha said this item is on the agenda because Lucy Mac submitted an application for a 5K run on the property leased to AO and said it's their understanding that there's no fee because the event is through AO. Martha added that this item was discussed at an earlier Selectboard meeting and there was a motion to waive fees for AO-sponsored events but the motion was not acted on so it's not clear whether or not the fee should be waived, nor is it clear that the event is under the auspices of AO since it was submitted directly to the town by Lucy Mac. Dick agreed that the application came from Lucy Mac, not AO, and requested use of the parking area, which is not part of the property leased by AO. Steve asked about the fee, which is \$25. Steve said the 5K run is a joint event by Lucy Mac and AO, which AO is promoting. Steve explained AO's current procedure. Win said he thinks AO should be the lead organization, or at least a co-applicant, on any application that involves the leased land. Dick read from the lease, which exempts AO from the public assembly ordinance for regularly scheduled events, but not for special events. Win agreed that Lucy Mac's 5K run is a special event and therefore subject to the ordinance and the fee. Steve said the event has evolved from a Lucy Mac event to an event co-sponsored by Lucy Mac and AO. Win said he doesn't think the town should approve events on land leased to AO without evidence that AO is a co-sponsor. Tom and Dick agreed. Bruce asked who will determine which events get priority if there is a conflict. Tom said the Selectboard should make that decision with AO's input. Win said it's complicated by the fact that AO is not leasing the parking area and most events will use it. Steve noted that AO is going to create an event calendar that can be linked to the town's website. **Win moved to request that the Lucy Mac application be re-filed with a better description of the event and AO as a co-applicant, subject to the fee for special events. Tom seconded the motion.** Martha noted that the event is being held this weekend. Tom proposed waiving the fee since Lucy Mac does not charge the town a fee when it accepts lost dogs from the Selectboard in its role as Poundkeeper. Steve offered to pay the fee but asked if the fee would be waived for an event co-sponsored by AO. Win said no; not if it's a special event. Steve said AO has a permit that they give to applicants for this sort of event. Steve asked if the town is requesting that AO file that permit with the town. Martha said the town has a separate application. Martha asked if the Selectboard is going to schedule another meeting this week to consider the application if it is re-filed. **Win said he would amend his motion to approve it prospectively but it needs to be re-filed so that it adequately describes the event.** Win said he thinks we need to establish a process and AO needs to be front and center in that process. Steve agreed that Lucy Mac's application should have come through AO. Dick said if they were going to use the property leased to AO and it was going to be a regularly scheduled event, then there would be no need for a permit but if they're going to use an area not leased to AO, like the parking lot, then they do need a permit. Win noted that we have not defined "regularly scheduled" events. Dick said, going forward, if there's an event on AO property then the application should come from AO. If it's a regularly scheduled event, then there's no fee or application required. If it's a

special event on AO's property, then AO has to file an application. Win agreed. **Dick moved to amend Win's motion to approve the application and waive the fee. Tom seconded the amended motion.** Mike pointed out that applications are supposed to be filed by a certain deadline. Dick agreed that the current ordinance requires applications to be filed sixty days in advance. **Dick called for a vote on the amended motion, which passed unanimously.** On another matter, Steve said AO hopes to own the Base Lodge parcel within the next month, which accelerates the need for AO to present their plan to the Selectboard, as required in the lease agreement. Win said, since AO's plan would be part of the larger Community Forest Management Plan (CFMP) that the Conservation Commission (CC) is working on, AO should work with the CC. Steve said he thought there was an October 31 deadline. Dick read from the section of the lease that requires AO to provide a five year plan for the recreational component of the CFMP. Dick said the town and AO are also supposed to inventory all physical assets on the property and specify the operating and maintenance obligations of each party. There was discussion about the tax-exempt status of AO. Dick noted that, if AO acquires the Base Lodge parcel, it would not be subject to the lease or the conservation easement since the town would not own it. Win said it was the Selectboard's hope that having CC Chair Ted Siegler as an ex-officio member of AO's Board would facilitate the planning that AO and the CC are doing. Steve said he will talk to Ted. Win suggested that AO get on the CC's next agenda.

- 8) Transportation grants: Katharine Otto – Katharine Otto from the Southern Windsor County Regional Planning Commission (SWCRPC) had some handouts about funding sources for transportation projects. Katharine noted the October 20 deadline for the Transportation Alternatives grant and described the application requirements, which are substantial because it's a federal grant. Katharine noted the types of projects that are eligible and the match requirements. Martha said the amount of time involved in applying for federal grants is significant. Tom said he thinks we have a better chance of getting funding for stabilizing the Brownsville-Hartland Road bank. Dick said if the bank collapses, the town will get emergency funding. Martha said the timeline is very tight if we wanted to apply this year and would probably require her to drop everything else. Win said it's important to consider funding sources as we develop our capital plan but he is concerned about the match and the amount of time involved given the things that are already on our plate. Katharine said the town can apply next year if we need more time to prepare. **Win moved to pass over this opportunity for this year. Tom seconded the motion, which passed unanimously.**
- 9) Application for Public Assembly: Lucy Mac 5K-9 Run/Walk on Sunday, October 2, from 8:30 AM until 12:30 PM at the Ascutney Trails on Ski Tow Road – see item #7 above.
- 10) Consider adopting Event Ordinance – Dick suggested changing the ordinance to require applications to be filed thirty days in advance, rather than sixty days. Win agreed. There was discussion about the ordinance adoption process. **Win moved to adopt the West Windsor Ordinance Regarding the Conduct of Large Public or Private Events, noting the change to the deadline for filing in Section 3(A). Tom seconded the motion, which passed unanimously.** Bruce requested a copy of the ordinance.
- 11) Highway Foreman's Report – Mike said mowing is done and ditching is in progress. Win complimented Mike for the Highway Department's work on Hotel Road.
- 12) Highway access application: Peter & Melanie Gale (Cowshed Trail) – Mike said he met with the contractor for the Gale property and he is satisfied with the proposed access. **Tom moved to approve, noting that the access is on Cowshed Trail. Dick seconded the motion, which passed unanimously.**
- 13) Highway access application: Joseph Mazarella (Village Lane) – Mike said he met with someone at the site. Mike said the applicant just wants a limited agricultural access. Martha said

the application says “new or replacement culvert.” Martha said in the past if someone has two accesses on one lot they need conditional use approval by the DRB but maybe if it’s agricultural that’s not the case. Martha said she copied Preston so he can decide if DRB approval is required. **Tom moved to approve the Mazzarella access on Village Lane, parcel #3-95, noting that the only thing being approved is the placement of a culvert. Dick seconded the motion, which passed unanimously.**

- 14) Water project update – Tom noted Jason’s email and said everything was buttoned up well for the Vermont 50. Dick said Jason’s email suggests that any contingency funds left over can be used for the Mountainside line. Win said we need all the information before we can make a decision. Tom asked if Manosh wants the town to make a decision by a certain date. Martha said Manosh could do the work next week but we’re not going to know where the money’s coming from by then. Win said we can wait to make a decision with the understanding that winter conditions could prevent Manosh from doing the work this year. Martha noted that winter conditions could also cause the price to increase. Regarding the discussion under #5, Martha noted that replacing the line to Mountainside is not currently part of the approved project.
- 15) Discuss school sewer situation – Dick said Jason is waiting to hear whether Zaluzny is available to do the work and how much he would charge. Tom said he’d like to get Bob Moulton’s input. Win said he’s going to try to get “as built” plans for the school addition from the supervisory union. Win said we need design and cost information for the fix as soon as possible and then we can call a meeting.
- 16) Review Conflict of Interest Policy – Dick said the DRB has its own policy. Martha said she thinks the Planning Commission does as well. **Win moved to send the Conflict of Interest policy to the committee chairs for comment. Dick seconded the motion, which passed unanimously.**
- 17) Appoint Assistant Zoning Administrator to address back log – see item #4
- 18) Other Business – Rules of Procedure: Win asked to have adoption of Rules of Procedure on the next agenda. Clock: Tom said the glass enclosure has to be enlarged slightly but there won’t be much of a change in the price. Snowmobile trail: Tom said the trail needs to be graded following the work on Bowers Road. Vermont 50: There was discussion about the race event, which went very well and the weather was beautiful.
- 19) Approve Minutes – Tom said it would be nice to have the minutes sent to the Selectboard along with the agenda for the meeting. Dick noted that all the minutes are available on the town’s website. **Win moved to approve the minutes of August 18, 22 and 23, and September 12 and 14. Tom seconded the motion, which passed unanimously.**
- 20) Town Clerk/Treasurer’s Report – **Win moved to authorize the Chair to sign two cemetery deeds. Tom seconded the motion, which passed unanimously.**
- 21) Sign Town Clerk’s orders – **Win moved to sign orders. Tom seconded the motion, which passed unanimously.** Tom said in the future he’d like to talk about some issues.
- 22) Next regular meeting – The Selectboard’s next regular meeting will be on Monday, October 17, at 6:30 PM.
- 23) Adjourn – **Tom moved to adjourn at 10:38 AM. Win seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison