

**Town of West Windsor
Selectboard Meeting Minutes
Monday, September 9, 2024 @ 6:30pm
Town Hall and Zoom**

Present in Person: Mark Higgins, Mark Harley, John Brodie, Amy Yates, Mike Spackman, Matt Frederick, Logan Nicoll (MARC), Peter Varkonyi (BB&P), Shelley Seward (AO)

Present via Zoom: Erin Hill, Al Iuppa & Susan Yost (Sustainability Committee), Lauren Dorsey (Vermont Standard), Jill Crowley

1. Call to Order

A quorum being present, Mark Higgins called the meeting to order at 6:33pm.

2. Changes or Additions to Agenda

The agenda order was shuffled to address the interests of those present in person and via Zoom earlier and moved unrepresented items further down the agenda.

These minutes will reflect the amended order of the agenda.

3. Announcements/Public Comment

Mark Higgins stated that the Selectboard will try to do a debriefing following large public events to review issues that could be addressed to enhance future events.

There was a brief discussion of the Ragnar Trail Race held over the weekend, and no issues were noted.

4. Approve Minutes of 8/26 & 8/29

Mark Higgins motioned to approve the minutes of the August 26th Selectboard meeting. John Brodie seconded the motion, and all were in favor.

Mark Harley motioned to approve the minutes of the August 29th joint meeting of the Selectboard and the Planning Commission. John Brodie seconded the motion, and all were in favor.

5. Town Clerk's Report

Town Clerk Amy Yates spoke about the recent ongoings in the Town Clerk's office, including incoming tax payments and the mailing of two delinquency letters for unpaid taxes from previous years.

Amy stated that she applied for and received a \$2,500.00 grant from the Center for Tech and Civic Life to help cover the upcoming General Election costs.

The Town Clerk's office will be closed on Tuesday, September 10th, as Amy will be in Montpelier for election training. The office will reopen as usual on Wednesday, September 11th.

6. DLL Permit Request – Trail Break (10/19)

The DLL permit request has not yet been submitted to the Town of West Windsor, so no action is possible at this time. Town Administrator Matt Frederick will follow up with Trail Break staff to ensure that they properly submit the permit request prior to the next meeting.

This item will be tabled until the September 23rd Selectboard meeting.

7. Event App – Celebration of Life at Ascutney Outdoors (10/27)

Shelley Steward spoke about the planned Celebration of Life at Ascutney Outdoors on October 27th to honor the life of Penny Allyn. There was a brief discussion of the event details.

John Brodie motioned to approve the event application for the Celebration of Life at Ascutney Outdoors on October 27th. Mark Harley seconded the motion, and all were in favor.

8. Event App – Fall for Brownsville (10/05)

Al Iuppa and Susan Yost of the West Windsor Sustainability Committee spoke about the planned 2024 Fall for Brownsville event, to be held in the village on October 5th. Al noted that Fall for Brownsville is intended to be a “community-building event”, and will feature activities at the Mary Blood Library, the Grange Hall, Albert Bridge School, and the Town Hall.

There was a discussion of the event details, including a crafts fair, kid's activities, an apple pie contest, a cider press, and a community dance, plus a raptor presentation by VINS at the Town Hall. VINS will provide a Certificate of Insurance prior to the event date.

For more information on the fourth annual Fall for Brownsville event, please visit the [Community Events Calendar](#) or the [Upcoming Events](#) page of the [Mary L. Blood Memorial Library website](#).

John Brodie motioned to approve the event application for the 2024 Fall for Brownsville event to take place in the village on October 5th. Mark Harley seconded the motion, and all were in favor.

9. Event App & DLL Permit – Fire on the Mountain (10/12)

Peter Varkonyi spoke about the proposed [Fire on the Mountain](#) event, which arose from a community desire for social gatherings unrelated to the traditional outdoor recreational and sporting activities often associated with Ascutney Outdoors.

There was a discussion of the event details, including the installation of a temporary professional sound stage, the food and beverage setup, and band details. Tickets for people ages 13 and older are \$35.00 and include a \$15.00 food voucher. Tickets for children 12 and under are free.

Tent camping will only be allowed in the grassy areas at Ascutney Outdoors, and no RV camping will be permitted on Town of West Windsor land.

Shelley Seward spoke about the positive community feedback received by AO regarding increasing the number of music events being held at the Ascutney Outdoors Center. Shelley noted that Ascutney Outdoors does not have the volunteers or the skillset to take on this type of event by themselves, so being able to partner with local organizations allows for them to meet this community interest.

There was a discussion regarding alcohol protocols and service, which will cease around 7:30pm, port-a-potty locations and accessibility, Windsor Police Department officer details, and emergency management plans and signoffs. There was also a discussion on fire safety, including the firepit location, a barricade being placed around the firepit for enhanced guest safety, and which materials are permitted for burning (split firewood only). Ascutney Outdoors staff will determine the firepit location depending on the weather at the time of the event, and a burn permit must be obtained prior to any burning.

Peter stated that he will make Front Porch Forum and Listserv postings to notify neighbors of the potential noisy atmosphere during the event. The bands will be facing the mountain to limit the sound projection into the village, and all loud music will cease prior to 10:00pm. Green Mtn. Concert Services will be on hand, as well, to provide additional event security.

Mark Harley motioned to approve the event application for Fire on the Mountain VT Food and Music Festival at Ascutney Outdoors on October 12th, with onsite camping to continue until October 13th. John Brodie seconded the motion, and all were in favor.

John Brodie motioned to approve the DLL permit for the Fire on the Mountain event at Ascutney Outdoors on October 12th. Mark Harley seconded the motion, and all were in favor.

10. FY25 Grants-in-Aid MARC MOU

There was a brief discussion regarding the Memorandum of Understanding allowing Mount Ascutney Regional Commission (MARC) to assist the Town of West Windsor with the FY25 Grants-in-Aid grant.

This grant provides state funding to improve stormwater runoff and drainage of local roads to increase flood resiliency.

Mark Harley motioned to approve the execution of the Memorandum of Understanding between the Town of West Windsor and the Mount Ascutney Regional Commission for assistance with the FY25 Grants-in-Aid grant. John Brodie seconded the motion, and all were in favor.

11. FY25 Grants-in-Aid Grant Agreement

There was a brief discussion of the FY25 Grants-in-Aid Grant Agreement.

Mark Harley motioned to approve the execution of the Grants-in-Aid Grant Agreement, with an award amount of \$15,000.00 and a local match of \$3,750.00. John Brodie seconded the motion, and all were in favor.

12. FY25 Town Highway Structures Program Grant Agreement (John Meyers Rd)

There was a discussion of the FY25 Town Highway Structures Program Grant, which provides funding to help towns with large highway infrastructure projects. The West Windsor Highway Department has a project planned to upgrade the box culvert on John Meyers Rd to increase the flood resiliency of that segment of roadway.

While this grant does not provide the full funding for the project, which may be in excess of \$200,000.00, it does provide funding for an engineering study, which is a necessary step in securing future grant funding for the project itself.

Mark Harley motioned to approve the execution of the FY25 Town Highway Structures Program Grant Agreement, with an award amount of \$22,500.00 and a local match of \$2,250. John Brodie seconded the motion, and all were in favor.

13. BB&P Sewer Easement

Mark Higgins spoke about the sewer easements created from the expansion of the sewer system into the village. Mark noted that the town subsidized the installation of the expanded sewer system and put in place easements on each property over the sewer infrastructure.

Following an application and review process, Brownsville Butcher and Pantry was granted permission (Permit #2875) from the Development Review Board to place an emergency generator on their parcel, which would allow the store to continue to operate without risk of losing perishable products in the event of a prolonged power outage. However, due to contractor error in placement during installation, the generator encroached upon the sewer easement area.

Peter Varkonyi, on behalf of the Butcher & Pantry as the landowner, agreed to take on ownership and maintenance responsibilities of the sewer service connection infrastructure on that parcel so that the sewer easement may be released, thus clearing that obstacle on the path to getting the generator operational without it having to be moved to the originally approved location. The Selectboard noted that the Town always has the ability under the Sewer Ordinance to ensure that any repairs are done to applicable standards. Under the ordinance, any such repairs remain the expense of the landowner even if ordered by or performed by the Town.

John Brodie motioned to approve the release of the Town of West Windsor's sewer easement on parcel #03-163 and the execution of the agreement between the Town of West Windsor and Brownsville Butcher and Pantry transferring full ownership, along with all future repairs and maintenance responsibilities, of the existing sewer service connection infrastructure on parcel #03-163 to Brownsville Butcher and Pantry. Mark Harley seconded the motion, and all were in favor.

14. BB&P Water Allocation Review

Peter Varkonyi spoke about the historical water usage at Brownsville Butcher and Pantry and the Equivalent User Unit (EUU) model utilized by the Town of West Windsor. For water allocation and billing purposes, 1 EUU equals 200 gallons per day (gpd) of allowable water usage. Peter stated that BB&P is planning to implement a year-long water meter study, to be conducted by Heritage Engineering, to provide an accounting of their actual water usage and a maximum gallons per day measurement.

Brownsville Butcher and Pantry's current water allocation is 1,190 gpd, which rounds up to 6 EUUs. In accordance with a stipulation in the BB&P deed, the Town of West Windsor has an obligation to provide the store with water "equal in quantity and quality to the water provided by the store's on-site well in 1985". In 2019, the Selectboard determined that 1,080 gpd is a "reasonable quantity of water for the town to provide the Butcher & Pantry at no charge". Due to this obligation, BB&P currently pays for the difference of the total water allocation of 1,190 gpd and the obligated 1,080 gpd. That 110 gpd rounds up to 1 EUU.

There was a discussion relating to a proposal by BB&P to amend their current uses on file and to add additional seating, which would raise their necessary water and wastewater allocations from the current 1,190 gpd to 2,006 gpd, an increase of 816 gpd. Some aspects of the uses and seating will need to be approved by the Development Review Board for the water meter study to correctly measure the new actual water usage. A necessary prerequisite of DRB approval is the Selectboard approving the amended water and wastewater allocations.

There was continued discussion on the amended water and wastewater allocations, with a review of engineering documents submitted by BB&P, which summarize that both systems can "accommodate the increase in design flow or modification of operational requirements." Both the West Windsor Mountain Water System and the Windsor Wastewater Treatment Plant have sufficient capacity to handle these additional allocations.

There was further discussion on the water meter study, which should provide clarification on the actual volume of water being used at BB&P. Mark Higgins noted that, at the completion of the one-year study, the Selectboard will reconsider BB&P's water and wastewater allocations and may adjust them accordingly, though a minimum of their current EUUs will be charged for water and wastewater use regardless of study results. No cost increases will be charged to BB&P until the study is complete, at which time all applicable fees will be determined. In agreement with Brownsville Butcher & Pantry, any increase in fees will be paid from the date of approval of the allocation (i.e. September 9, 2024) once the new fees are determined.

The Selectboard will further consider the details of the proposed water meter study for approval to commence following a presentation at the Selectboard meeting on October 28th.

Mark Harley motioned to amend Brownsville Butcher and Pantry's water allocation to 2,006 gallons per day, on the condition that a formal application is submitted, and all subsequent fees are paid within the required timeframe. No increase in usage fees will be billed to BB&P until

the completion of the upcoming water study but any such increase in fees finally determined shall be billed from the date hereof. The water meter study shall commence no later than December 1, 2024. John Brodie seconded the motion, and all were in favor.

John Brodie motioned to amend Brownsville Butcher and Pantry's wastewater allocation to 2,006 gallons per day, on the condition that a formal application is submitted, and all subsequent fees are paid within the required timeframe. No increase in usage fees will be billed to BB&P until the completion of the upcoming water study but any such increase in fees finally determined shall be billed from the date hereof. The water meter study shall commence no later than December 1, 2024. Mark Harley seconded the motion, and all were in favor.

15. Discussion: ARPA Funds

There was a discussion regarding the remaining ARPA Funds, which total approximately \$114,000.00. There will be a forthcoming proposal from the West Windsor Volunteer Fire Department for a portable breathing air compressor and the potential for a mobile radio repeater to aid with communications, along with quotes for Town Hall repairs and upgrades.

Those with ideas for the remaining ARPA Funds are encouraged to continue to submit them to the Town Administrator or to any Selectboard member. This discussion will continue until all funds have been obligated, which must occur prior to the end of 2024.

John Brodie motioned to approve the expenditure of \$1016.72, to be paid out of the ARPA Fund, to WindowDressers for the purchase of insulating window inserts for the Mary L. Blood Memorial Library, subject to the approval of the Library Board of Trustees.

16. Highway Foreman's Report

The new 1-Ton truck has arrived, but the body has not. Mike noted that the body shop has estimated it may take three months for the body to be finished, at which time the truck will be fully ready for use. There was a brief discussion of truck costs, and the resale value of the current 1-Ton, which will be sold once the new truck is put in service.

Mike stated that ditching and the second round of roadside mowing are continuing, and that fall scraping should be completed this week.

There was new damage to the recently repaired Churchill Covered Bridge, but it has been repaired at no cost to the Town of West Windsor.

The Highway Department will be working on culvert installations this fall, including possibly replacing culverts on Yale Heights Rd to aid stormwater management.

17. August Windsor PD Log Review

There was a very brief discussion on the Windsor Police Log for August.

18. Transfer Station Update

Mark Higgins spoke about the August meeting of the Transfer Station Joint Committee. Mark noted that the Transfer Station has been attempting to operate as a net-zero enterprise, but they have been operating at a net loss for some time. There will be an upcoming analysis to break down the operational costs, with a focus on the cost of recycling and the lack of revenue it generates.

Mark stated that the Transfer Station Joint Committee will be meeting again to further discuss how to offset the cost of recycling, including the possibility of charging a low fee for Transfer Station users to utilize the facility for recycling.

19. Cannon Update

The Select Board of the Town of Hampden, Massachusetts unanimously voted for the return of the cannon and noted that they have a “150th Anniversary Fund” that could be used to restore it.

Members of the Hampden Highway Department will travel to West Windsor in the near future to pick up the cannon and bring it back to Hampden for the first time in approximately 50 years. The West Windsor Highway Department will aid our neighbors to the south in loading the cannon when they arrive to collect it. Town of West Windsor equipment will not be used in the transport of the cannon.

20. Blood Hill Tower Update

The property remains in an unsafe condition. Mark Higgins will follow up again with American Tower Corporation to continue to push for repairs to the site.

21. Discussion: Fiscal Year Change

There was a discussion on the options for moving forward with the proposed fiscal year change, centered on either:

- holding a Special Town Meeting in November to allow voters to decide on making the change from the current calendar year model to the more widely used July 1st – June 30th model for the upcoming fiscal year, beginning on January 1st, 2025, or
- adding this as an item to vote on at the next Town Meeting in March 2025, which, if passed, would delay the change until 2026.

There will be a Special Town Meeting on November 16th at 10:00am to vote on the proposal to change West Windsor’s fiscal year from the current calendar year model to the state model of July 1st to June 30th. If passed, the Selectboard will present a 12-month budget (January 1st, 2025 – December 31st, 2025) along with a 6-month budget (January 1st, 2026 – June 30th, 2026) at the Town Meeting in March 2025.

Following the 6 month “stub budget”, the Town of West Windsor would then be operating on a fiscal year that matches the state and education budget cycles, which will allow voters to pass or reject the proposed annual budget at Town Meeting each year prior to any of those funds being expended.

Official notice of the November 16th Special Town Meeting will be forthcoming.

22. Personnel Policy Review

This item will be tabled until the September 23rd Selectboard meeting.

23. STR Ordinance Review

There was a review of the proposed Short-Term Rental Ordinance, which was revised to include changes suggested by Planning Commission members.

There was a lengthy discussion on the proposed ordinance, including changes from the previous iteration, the catalyst for beginning this process, how the ordinance may be enforced, other changes that may be made prior to a final review, and similar ordinances in other municipalities.

A final review of the proposed Short-Term Rental Ordinance will occur at the September 23rd Selectboard meeting.

24. Other Business

None.

25. Upcoming Meeting Schedule

The next regular Selectboard meetings will be held on September 23rd and October 28th. There will be no Selectboard meeting on October 14th due to Indigenous Peoples’ Day. If necessary, a Special Selectboard Meeting may be called prior to the October 28th meeting.

The Selectboard will hold public hearings at the Town Hall on Monday, October 21st for the updated Zoning Bylaws and the Flood Hazard Area & River Corridor Bylaws. Official notice for these hearings will be forthcoming.

26. Adjourn

Upon motion duly made and seconded, the Selectboard unanimously voted to adjourn at 8:40pm.

Respectfully submitted,

Matt Frederick
Town Administrator