

WEST WINDSOR SELECTBOARD

Minutes

June 8, 2009

Present: Phil Arvidson, Bruce Boedtger, Tom Kenyon, Martha Harrison, Cathy Archibald, Ralph Johnson, Gareth Henderson, Mike Spackman, Hal Pyke, Bob French, Merle & Leone Bushkin, Dan Knapp, Rick Davis, Pam Blair, John Cocks, Len & Meg Clough, Jim Kenyon

- 1) Call to Order – Selectboard Chair Phil Arvidson called the meeting to order at 6:30 PM.
- 2) Changes or additions to the agenda – Public assembly application (Knapp & Davis); Highway access application (Schoen)
- 3) Public Comment – Alarm system: Jim Kenyon reported that the updated alarm systems have all been inspected by the state. Junk vehicles: John Cocks asked if the town has a junk vehicle ordinance. John said he is concerned about toxic fluids from unregistered vehicles getting into the ground water. Martha read a portion of Section 3.10 (B) of the Zoning Regulations regarding open storage of junk and vehicles. Library: John Cocks asked if the Blood Library could establish a cooperative relationship with another nearby library to better serve local residents. John said the library receives a \$5,000 allocation from the town every year and is only open 3 hours per week. Phil suggested that John bring this issue up for discussion at the next Town Meeting because that is when the funds to support the library are allocated.
- 4) Town Office Computer System – Hal said the wiring and the two new computers have been installed and Comcast has agreed to install the cable for high-speed internet within four weeks. Phil asked about the back-up system. Hal said both new computers have a Maxtor automatic back-up system, which is a separate device. Hal said Annie has also been backing up to NEMRC and he will check with her to see if she is still doing so. Tom suggested getting a second Maxtor device for each computer so one can always be stored in the vault in case of fire.
- 5) Planning Commission appointment – Hal outlined Mark Isenberg's qualifications. **Bruce made a motion to appoint Mark Isenberg to the Planning Commission for the term which he (Bruce Boedtger) vacated, expiring December 31, 2011. Tom seconded the motion, which passed unanimously.**
- 6) Energy Coordinator – Having submitted a letter to the Selectboard on behalf of the Planning Commission, Hal spoke about the advantages of having an Energy Coordinator and requested that the Selectboard establish such a position. Tom asked if a current member of the Planning Commission could serve as Energy Coordinator. Hal said he would ask the members of the Commission if any of them would like to volunteer to fill the position. Hal added that there are many people in town with relevant knowledge and experience who might be interested. **Tom made a motion to establish the position of Energy Coordinator and to authorize the Planning Commission to look for qualified candidates to fill the position. Bruce seconded the motion, which passed unanimously.**
- 7) Public Hearing: Amendments to West Windsor Zoning Regulations – Phil opened the public hearing on the amendments and asked Hal to comment. Hal read several sections of the revised Section 4.12 and the proposed Section 4.24. Phil talked about the reasons for the proposed changes, which started with the realization that it would be unreasonable to restrict the number of employees in the industrial district to 10. Hal said Section 4.24 was added after Alan and Louise Hudson expressed concern that businesses like theirs would not be allowed in the village. Bruce said he thinks the Planning Commission came up with a good solution. Tom asked if anyone expressed any concerns at the PC's last public hearing. Hal said no. Phil asked for public comments on the proposal. There were no comments. **Tom made a motion to close the public hearing. Bruce seconded the motion, which passed unanimously. Tom made a motion to approve the proposed changes to the West Windsor Zoning Regulations, which include replacing the text of Section 4.12, adding the proposed text (Section 4.24) to Article 4, and**

replacing “light industry” with “low impact non-residential use” as a conditional use in the Primary Growth Village district. Bruce seconded the motion, which passed unanimously.

- 8) Public Assembly application – Dan Knapp and Rick Davis were present to discuss their application for a public assembly permit to hold a small music festival at the Resort, outside the old base lodge, facing the ski slopes. Dan said beer and wine will be available, the General Store will cater, and bands will play from noon until 8:00 PM. According to Dan, 12 volunteers will handle parking and security and the proceeds from the event will go to the Special Needs Support Center. Dan said they are expecting between 50 and 100 people. Ralph suggested that the proposed security is not adequate and said the town ought to require the applicants to hire the sheriff’s department to provide security, as they do for the bike race at the Resort. Tom asked the applicants if the estimated number of people participating include those who will be working or performing at the event. Dan estimated that there would be about 130 people at the event, including workers. Tom said the town will need the names of the people in charge of security so Ralph will know who to talk to if there are any problems. Phil said the town decided to require public assembly permits after a bad experience with an event that got out of hand. Dan said if the music festival works well, they would like to do it again next year. Dan said the date of the event, if it’s approved, will be August 9th, not August 2nd, as originally planned. Bruce asked if the event would happen rain or shine. Dan said yes. Bruce asked if the music would stop and the bar would close at 8:00 PM. Dan said yes. **Bruce made a motion to approve the application for the outdoor music concert to be held on August 9th at the Ascutney Ski Area Base Lodge on the condition that the applicants provide the Selectboard and the Constable with a list of the people who will be providing security and directing traffic, including those who are in charge. Tom seconded the motion, which passed unanimously.**
- 9) Ancient Roads workshop: June 29th– Phil noted that the Conservation Commission received a grant for the Vermont League of Cities and Towns (VLCT) to present a workshop on ancient roads on June 29th at 7:00 PM. The workshop is open to the public.
- 10) Town Clerk/Treasurer’s Report – Cathy had orders, a contract with Comcast, the dog warrant and a cemetery deed for the Selectboard to sign. The Selectboard agreed to sign all the documents at the end of the meeting.
- 11) Highway Foreman’s Report – Bowers Bridge: Mike said that the Bowers Covered Bridge has been repaired; the southwest post had slipped almost off the foundation. Yale Heights Stormwater System: Mike said when he initially performed the annual inspection of the Yale Heights stormwater system, the upper end was not in compliance due to some work that one of the residents had done without notifying the home owners association. Mike asked the Selectboard to send a letter to the President of the association reminding the residents that any work performed has to be done in accordance with stormwater regulations. Mike explained the problem and noted that it has since been corrected and he has reinspected the system, which is now in compliance. Phil asked Mike and Martha to draft a letter for the Selectboard to send to the Yale Heights Property Owners Association (YHPOA). Terry Shearer, the President of YHPOA, said the person who did the work had good intentions, but didn’t know what he was doing. Mowing: Mike said the highway department will be mowing the roadsides in July. Roller: Mike said the highway department rented a roller for two days. Bank stabilization: Mike said the bank stabilization work on Sheddsville Road is scheduled to begin in August, but the road will be closed on occasion between now and then for tree removal.
- 12) Discuss discontinuance/reclassification of town roads that only serve one residence – Phil said when the town plows roads that only serve one residence it appears, to the public, as if they are plowing private driveways. Phil said Bowers, Prince, Clough and Johnson roads only serve one residence. Phil said in order to change the status of these roads, the Selectboard would have to hold a public hearing, but they decided that, prior to proceeding, they would invite all affected property owners to comment on the idea. Len Clough said there are two residences served by Clough Road – the Macia and Lockwood residences. John Cocke was concerned about the

potential hardship for the residents of the affected properties. John asked what effect the discontinuance would have on the value of the properties, and whether there are any emergency access issues. John also asked if the discontinuance would affect the owners ability to subdivide or develop their property. John asked how much money the town would save if they didn't plow Bowers Road. John said if the town doesn't plow Bowers Road, they'll create a berm of snow across it when they plow Bible Hill. Phil said that is already true for anyone who has a driveway off Bible Hill Road. John said unless some of these roads are long or difficult to maintain then the savings to the town are going to be minimal. Phil said he doesn't think the cost savings are a big deal; the biggest issues, in his opinion, are the public impression that some people are getting special treatment and the time and effort involved in maintaining these roads. Meg Clough said if anyone asks, the Selectboard can tell them that the roads are town roads. John said properties on Class 4 roads or trails are devalued because they are inaccessible or prohibitively expensive to maintain. John asked if the taxes would be adjusted to reflect the quality of the access. Phil said that would be a matter for the Listers to decide. Tom welcomed everyone's input and noted that the process is working just the way it should and, as a result, the Selectboard has learned a lot about these roads. Merle Bushkin summarized his comments from the May 11th Selectboard meeting, and noted that he had sent a letter to the Chair. Merle said he lives on Prince Road and his understanding is that the portion of the road from Sheddsville to the turnaround has been plowed by the town for 80 years. Merle said if any of the roads that fall into this category are reclassified, then they all should be reclassified. Ralph said the road has always been a town road and the Selectboard has to get permission before they can throw it up. Tom agreed that there is a formal procedure the Selectboard would need to go through. Len Clough said his neighbor at the top of Knob Hill couldn't access his property in the winter so the town went to a lot of expense to upgrade that road and now plows over a quarter of a mile for one camp. Bruce said this situation is not unique to West Windsor. Bruce said, based on what he has heard, he's not sure there's enough of a reason to proceed unless we can show that it is a hardship for the town to continue providing maintenance for these roads. Mike said this issue was not raised by the highway department. **Tom made a motion to table the proposal to discontinue Johnson, Clough, Bowers and Prince Roads. Bruce seconded the motion, which passed unanimously.**

- 13) Correspondence: Phil suggested that he draft an appropriate response to Rita Johnson and Barbara Nilson, based on the outcome of the discussion on discontinuance. Tom and Bruce agreed.
- 14) Town Constable's Report – As Delinquent Tax Collector, Constable Johnson reported that he is going to start tax sale proceedings against 13 delinquent tax payers if they haven't paid by July 1st. Ralph also reported that the transmission on his patrol car was damaged on Sunday after the wind storm when there were lots of limbs down. Ralph asked the Selectboard if he could submit the \$80 repair bill. The Selectboard said yes. Ralph also reported a string of burglaries up on the mountain.
- 15) Certificates of Occupancy update – Martha said she's had 8 out of 9 people respond to her second batch of letters. Bruce asked how much time it's taking. Martha said she has delayed sending out a third batch of letters until she has finished inspecting the projects of those who have responded.
- 16) Town Hall windows – Tom said American Plate Glass gave him a price of \$10,400, which includes painting, glazing and furring out the windows. Phil asked how much is in the budget. Tom said there's \$11,000+ in the budget. Cathy said we might go over budget because we've already spent \$1,100 this year. Tom said he will get a formal written proposal from the company; they would like to do the work in the fall. Tom said the project will provide great energy savings. Phil said he thinks the Selectboard should go ahead with the project.
- 17) Grange Hall accessibility project update – Tom said they have to submit the technical information on the lift in order to get a variance on having to go out to bid. Tom said the work would be done after the bean supper. Phil asked Tom if he needed any formal action from the Selectboard. Tom said not at this time.

- 18) Other Business – Phil said we have a highway access application for Schoen, but no one has appeared on behalf of the applicant. Tom said the deed spells out what needs to be done. Tom said it's a 50' right-of-way and the applicant is proposing to run it down the middle, but someone suggested that they move it to the west to make it possible to save the trees along the wall. Phil said he thinks there was an agreement to that effect when the Selectboard originally passed this. Phil said he remembers a rather detailed letter from Matt about this right-of-way. Martha said she called Matt's office today, but has not heard back. Phil said the letter provided a good layout of the situation and was the basis for the Selectboard's actions, so it would be wise to get a copy before acting further on it. Tom asked Martha if the applicant wants to start this week. Martha said yes. Bruce said the 2005 letter from Margo Howland requested that the driveway be all the way over by the cemetery. Phil said he would not be comfortable acting on this until he sees Matt's letter. Phil said if the applicant wants action within a week, that's not a reasonable request. Tom said when the Selectboard originally considered this, the board asked him to ask Matt some questions and Matt's letter was his response to the board. Mike asked if it is correct that the town has 30 days to act on the application. Phil said he doesn't think that means that the Selectboard can't delay it by action of the board. Bruce said he would like to see more than a magic marker line. Phil agreed. Mike said he is going to be gone for two weeks. Mike said he has no problem with the curb cut. Mike said he told the applicant that he has to install a 15" culvert and it has to divert the water before it gets to the wall, so he keeps the water on his side of the wall. Mike said he told the applicant the further west the curb cut is, the better, and he should avoid cutting down the big maple tree if possible. **Tom made a motion to table the Schoen's highway access application until we have the applicant before us and we have detailed clarification about the location of the right-of-way. Bruce seconded the motion, which passed unanimously.**
- Dead trees near cemetery: Tom said Ted Knox is concerned about the power line being there, so we contacted CVPS about either turning the power off or putting the lines down and they're coming tomorrow to inspect the area. Tom said the project is not urgent. Tom said the Forester for CVPS has to come and look at it.
- 19) Minutes – May 11, 2009: **Tom made a motion to approve the minutes of May 11, 2009 as written. Bruce seconded the motion, which passed unanimously.**
- 20) Executive Session: Pending Litigation and Discussion with Constable – **Tom made a motion to go into Executive Session for the purposes mentioned. The motion passed unanimously.** Following the discussion, **Tom made a motion to come out of Executive Session. The motion passed unanimously. Tom made a motion to authorize the Selectboard Chair to follow up on a possible zoning problem. Phil amended the motion to specify that the property in question is the car repair & car sales lot adjacent to the Town Hall and the owner's compliance with his permit and the zoning regulations. Tom accepted the amendment. Bruce seconded the motion, which passed unanimously.** Phil said he and Martha will draft a letter and circulate it to the board.
- 21) Adjourn/ Sign Town Clerk's Orders – **At 8:30 PM, Bruce made a motion to adjourn, subject to signing the Town Clerk's orders. The motion passed unanimously.**

Respectfully submitted,

Martha Harrison