

## WEST WINDSOR SELECTBOARD

Draft Minutes  
February 26, 2014

Present: Glenn Seward, Tom Kenyon, Bruce Boedtke, Dave & Tracey Dugdale, Pat Dugdale, Sue Greenall, Heather Hoyns, Julia Hutchinson O'Brien (VT 100 Race Director), Barbara Truex, George Calver (*VT Standard* reporter), Jim Lyall, Michael Doten (VT Adaptive Ski & Sports Board), Martha Harrison

- 1) Call to Order – Selectboard Chair Glenn Seward called the meeting to order at 6:00 PM.
- 2) Public Comment – None
- 3) Consider application for Public Assembly: Vermont 100 Race – Heather Hoyns said the race organizers think they can move the “horse hospital” to the barn on the Bernatchez property to eliminate all trailer traffic on Kings Highway. Heather added that the race organizers are going to request that no horses arrive after 8 PM on Thursday night; late arrivers may stay at her veterinary clinic overnight. Julia said they are also planning to move the finish line into the woods or up the hill. Julia noted her email correspondence with Glenn about things that can be done to make things better for the neighbors. Dave asked if anyone has talked to adjoining towns about the re-routing of traffic. Glenn said if the application is approved, the Selectboard would need some indication from neighboring towns that they are okay with that. Julia said she has been waiting to get West Windsor’s approval before pursuing all the other approvals she needs. Dave said he would like to hear more about the conditions that Glenn discussed with Julia. Glenn said the Selectboard appreciates the information and testimony given on February 10<sup>th</sup> and clearly has an obligation to take all the concerns of the neighbors seriously prior to approving any public assembly permit. Glenn said the Selectboard should also take into account the overall benefit to the community and to the charitable organization. Based on testimony at the February 10<sup>th</sup> meeting, **Glenn moved to approve the permit for the Vermont 100 dated January 28, 2014, contingent on the following: (1) The finish line and all related activities to be moved into the woods in their entirety or to a point just downhill of the existing pond to mitigate noise concerns; (2) A roving traffic patrol with the necessary communication will be in place prior to and during the event to address any highway issues and to escort emergency vehicles if required; (3) All event participants to have a dash board identification for access to the site; (4) Signage to be placed outlining the traffic pattern utilizing Silver Hill, signage to be inspected and approved by the Highway Foreman prior to the event, and Blood Hill and Kings Highway to be closed to event traffic; (5) Written approval from Hartland and Woodstock for the associated road closings must be provided to the Selectboard one month prior to the event; (6) All auxiliary noise makers to be prohibited from the finish line; (7) All non-essential activities such as (but not limited to) bands will cease after 11 PM; (8) All large van-type vehicles will be parked in such a way as to reduce noise from the Dugdale property; (9) A statement from West Windsor Highway indicating this activity will not impinge on scheduled highway department activities.**

Glenn said he is not sure how to address the dog issue. Dave asked the Selectboard to include a condition that a new site is found for next year. Glenn said he has a problem with stating in advance that no permit will be approved next year. Glenn said he would like to evaluate the effectiveness of the changes that are being made immediately after the event. Glenn said he has encouraged the race organizers to find another spot. Dave said encouragement has not resulted in any movement. **Glenn added to his motion that the Selectboard strongly encourages the race committee to seek another location for subsequent years.** Dave suggested the prison farm as a possible alternative location. Julia said they have been searching for a new location. Tracey read two of the five public assembly approval standards that have to be met: (b) “the proposed public assembly will not result in undue adverse traffic congestion and unsafe conditions regarding the use of public roads” and (e) “the proposed public assembly will not interfere with the use of neighboring property for its customary use by the creation of noise, dust, noxious odors, lighting or other activities, which extend beyond the boundary of the activity.” Tracey said she is going to hold the town to these standards, even if she has to get an attorney. Tracey said it doesn’t matter that it’s a charitable event; the Selectboard cannot take that into consideration. Glenn said the ordinance was the basis for the contingencies he suggested in his motion. Tracey said she would be content with approving it for one more year with the accommodations that they are making but this needs to be the last year that it’s in their front yard. Dave said the Town Plan recommends that the town “focus development of commercial recreational activities within the existing Resort/Residential District” and this event does not conform to that. **Tom seconded Glenn’s motion.** Tom said it’s his understanding that the Bernatchez property is up for sale and may have been sold. Tom agreed that the event should be evaluated immediately afterward and should not be granted a permit for subsequent years if the conditions of this year’s permit are violated. Tracey said the event has been in violation of the ordinance for ten years. Dave said they have not objected in the past because the late Josie Bernatchez was getting some benefit from allowing the event to use her land. Michael Doten said he would be happy to investigate any alternative sites that anyone would like to suggest. Tom asked Michael to share a list of characteristics that the property would need to possess. Tracey said it’s not the Selectboard’s job to worry about that. Glenn said this event benefits the town in many ways and he thinks it is the Selectboard’s job to assist with anything that benefits the town. Julia said Josie loved the event and donated the payment for the use of her property back to the event. Julia said she would like the opportunity to show the neighbors that the race organizers can make the event better. Bruce agreed that the Selectboard can’t say in advance that they’re not going to grant a permit next year but they should meet right after the event to evaluate it. Tracey said she doesn’t think the event organizers will look for another site unless they are forced to. Julia said she was not aware of any neighbor concerns until after the 2013 race, which included the fireworks debacle. **Tom said he would like to amend Glenn’s motion to include a requirement that the VT 100 organizers and the neighbors meet with the Selectboard to evaluate the event at their first post-event meeting. Glenn accepted the amendment. Bruce agreed.** Tom said he doesn’t think the current Selectboard can bind the actions of a future Selectboard by refusing in advance to issue a permit next year. Tom said the prison farm property is being transferred to the Department of Fish & Game so it may be difficult to move the event there until the transfer is complete. Sue agreed. Dave said it is the 24-

hour a day aspect of the event that is disturbing; it's not unreasonable for the neighbors to ask for blocks of quiet time when there won't be activity making their dogs bark. Glenn asked what happens when snowmobiles go by. Dave said the dogs bark but that's for five minutes. Tracey agreed that it's not all night long and it's cold so the windows are closed and the furnace is on. Tracey said their dog jumped and howled for so long during last year's race that he dislocated his hip and they incurred a \$700 vet bill. Bruce suggested that the race organizers provide the Selectboard with a document summarizing the alternative sites that have been looked at with the pros and cons of each. Julia said she will provide a list of the locations that have been considered so far and the locations that are considered going forward. Glenn said the Selectboard will consider that list part of the record and attach it to the permit. **Glenn called for a vote on the amended motion, which passed unanimously.** Glenn said an evaluation meeting will be scheduled immediately after the event.

- 4) Review Town Forest grant applications – Jim summarized the Recreational Trails Program (RTP) grant application. Tom asked if the area proposed for the trail has been designated for logging. Jim said he doesn't think so. Tom asked about match requirements. Jim said there is a 20% match required but most of it will be in volunteer labor with only \$350 in cash. Jim said the trail will provide more beginner terrain and will serve as an alternate link to other trails, bypassing Mile Long Field. The Selectboard agreed that the proposed trail is important. Jim said he has heard that Killington is planning to develop a cross-country bike trail. **Glenn moved to approve the RTP grant as submitted. Tom seconded the motion.** Tom expressed some concern about the possibility of trail overuse in the future. **Glenn called for a vote on the motion, which passed unanimously. Bruce moved to sign the grant and the letters of support. Tom seconded the motion, which passed unanimously. Tom moved to authorize the Chair to sign on behalf of the Selectboard. Glenn seconded the motion, which passed unanimously.** Bell grant application: Jim said if this application is successful, Bell Helmets will bring in a crew and build the trail for us. Jim said the grant involves a competition and is awarded to the project with the most votes so it will bring publicity to our trail system if we're one of the four finalists. Tom asked about maintenance. Jim said long-term maintenance of the trail, once constructed, would be the town's responsibility. **Glenn moved to approve the Bell grant application and sign the letter of support. Tom seconded the motion.** Bruce suggested some wordsmithing and clarification on the application. Tom and Glenn agreed. **Glenn called for a vote on the motion, which passed unanimously.**
- 5) Consider Fourth of July donation bucket – Glenn said the Fourth of July Committee has decided against the donation bucket idea so no action is needed.
- 6) Ratify adoption of WASTE expenses – Glenn said the dissolution of WASTE (Windsor Ascutney Sewage Treatment Enterprise) was required as part of the acquisition of the sewer system by the town. Glenn said the dissolution was unanimously approved by the WASTE Board on February 25<sup>th</sup> and the related documents need to be filed with the state. As part of the agreement to transfer the WASTE escrow account, which amounts to approximately \$98,000, to the Town of West Windsor, it was requested that any final WASTE expenses be covered with funds from the escrow account. Glenn said those expenses would include accounting to file WASTE's tax return and minimal attorney's fees to file the necessary paper work. **Glenn moved to authorize payment of any**

**legitimate WASTE expenses out of the escrow fund as part of the sewer acquisition. Tom seconded the motion.** Glenn estimated the expenses to be less than \$1,000. **Bruce amended the motion to limit total payments to \$1,000 unless further authorization is obtained. Glenn accepted the amendment and called for a vote on the amended motion, which passed unanimously.**

- 7) Discussion of Conference Center at Resort – Tom said he’s not prepared for discussion at this time.
- 8) Discussion of Mill Brook water withdrawal – Tom said he would like the town to meet with the Agency of Natural Resources (ANR) to see if the state will allow water to be withdrawn from Mill Brook at the old levels. Glenn and Bruce agreed. The Selectboard talked about how they should approach ANR. Glenn suggested approaching Jeff Cueto. Bruce and Tom agreed.
- 9) Capital Projects – There was discussion about whether or not there should be a handout at Town Meeting. Tom was reluctant to hand something out right now. Barbara said the Planning Commission was also concerned about overwhelming people with too much information. All agreed that Glenn would verbally provide some general information about capital planning and upcoming projects.
- 10) Other Business – Wireless internet: Glenn said he contacted Systems Plus about assessing the needs of the Town Hall with regard to wireless internet service, and they would be able to do an assessment on Friday. Tom and Bruce agreed. Tom asked about EC Fiber. Glenn said it’s premature to discuss but it looks promising. Vermont 91 Travel Guide: Martha said the publisher of the guide stopped in today and said the deadline for space in the summer/fall issue is March 1<sup>st</sup>. The ads don’t have to be submitted until the end of March but she asked if we wanted to commit to a page of advertising space for \$1,000. If so, then we would have to find four businesses that each want a ¼ page ad. **Glenn moved to authorize Martha to proceed with pursuing a page of advertising in the Vermont 91 travel guide for \$1,000. Bruce seconded the motion, which passed unanimously.**
- 11) Adjourn – **Tom moved to adjourn at 7:25 PM. Glenn seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison