



February 3rd, 2025

Members Present: Tom Deck (Chair), Anthony MacLaurin, Jim Lewis, Scott Swinarton

Members Absent: Nina Mooney

Others Present: Curan VanDerWielen (Interim Village Manager), Sarah McClintock (Village Treasurer), Donald Brodie (Village Clerk), Tajlei Levis, Max Levis, Garren Wayne, Shaun Morton, Navroze Mehta, Jodi Morrison

Call to Order: 4:37 PM by Deck.

1. Changes to Agenda:

No changes were noted.

Motion: To approve the agenda, as posted.

Motion made by MacLaurin. Motion seconded by Swinarton.

Motion approved unanimously.

2. Approval of the draft meeting minutes for the regular meeting held January 6th, 2024

Brodie noted a correction he had pointed out to VanDerWielen regarding his title.

Motion: To approve the minutes of the regular meeting of the BoT held Monday, January 6th, 2024 with one correction.

Motion made by Deck. Motion seconded by Swinarton.

Motion approved unanimously.

3. Monthly Reports

a. Road Commissioner

Lewis reported that it was likely that the Highways Department would be over budget on overtime pay and road salt given the intense amount of snow experienced over the past 30 days and projected over the next month. Deck and Lewis commended Alan Mowrey for his work in the Department.

b. Tree Warden

Lewis reported no updates regarding the Village trees.

c. Village Manager



VanDerWielen reported on the administrative work conducted by the office in January. Of note was the completion of all end-of-year tax and grants reporting, the signing of a \$2,600 grant for road assessment work through VTRANS, the conduct of several more interviews for the open Zoning Administrative Officer role, and the office's migration away from its former email hosting service.

d. Zoning Administrator

VanDerWielen reported on a handful of zoning violations, permit applications, and the ongoing Bylaw Modernization project of the Planning Commission. VanDerWielen also noted the need to fill vacancies on the Planning Commission and Development Review Board, given two recent resignations on the former.

e. Treasurer & Tax Collector

McClintock noted an error on the budget status report: that \$200,000 in VTRANS grants needed to be accounted for under the State/Other Grants section of the Intergovernmental revenue tab. McClintock then presented the rest of the budget status report, chart of accounts, and tax collection status report. MacLaurin asked about whether the budgeting process had started, and when dates would be set. VanDerWielen noted that he and McClintock would meet to set dates, scaffolding off the previous Fiscal Year's (FY) schedule. Deck asked about the composition of the Accounting Fees line in the budget, to which McClintock noted the significant increase in working hours associated with accounting in order to correct many items over the previous calendar year.

f. Clerk

No updates were noted by the Clerk. Brodie emphasized the need to fill vacancies on the Village Planning Commission and Development Review Board.

4. Review of an Annual Special Events Permit Application (CY2025) for the Wilburton Inn

Deck introduced the topic of discussion and opened the floor to VanDerWielen to introduce the permit. VanDerWielen introduced the permit application, noting that everything required for the permit application had been received, reviewed, and verified. VanDerWielen also noted the number and content of noise complaints received by the office over the previous period. Deck asked about the schedule of events and efforts to abate noise on the property. Tajlei Levis noted the limited number of events held by the Wilburton. Max Levis explained in detail the Wilburton's investment into custom noise abatement infrastructure, acoustic engineering assessments, sound moderating software, and ongoing monitoring work the Inn had performed over the previous period.



Swinarton asked about the decibel levels of the noise measured nearby the site during events. Max and Tajlei Levis both spoke about the presence of acoustic engineers helping assess noise levels as part of their abatement efforts, and the measurements taken at various points over the past year. Deck asked about the composition of the Wilburton's events tent and its placement. Max and Tajlei Levis detailed the placement and composition of their events tent.

MacLaurin asked about the data associated with the decibel readings performed. Max Levis stated that measurements had been taken during each event in the previous period, but no recordings were made. MacLaurin asked if the readings had been taken at complainant's properties or nearer to the Wilburton. Max Levis noted that readings were taken at variable points but many were taken on neighbors' properties to assess the level of noise. MacLaurin asked if noise was worse among DJs or Bands playing at events. Tajlei Levis noted that bands were considerably louder, and that she had encouraged events planners to hire DJs as to mitigate noise. MacLaurin asked whether certain noise complaints could be cross-referenced with event details to see if DJs or bands were responsible for the noise. A conversation ensued regarding decibel levels, measurability, and reasonable levels of noise and the future abatement of noise.

Deck opened the floor to public comments. Mehta provided comment, thanking the Levis' for their efforts but noting that the noise as a result of Wilburton events had proven a persistent nuisance for a collection of neighbors over the past few years and the possible economic impact of the noise on the value of homes nearby. Mehta also acknowledged the need of the community to support the local hospitality sector, but that certain guardrails were necessary to ensure residents were not deleteriously affected by the events i.e. that the number of events permitted needed to be limited by the Board. Mehta having finished his comments, a conversation was engaged in at length about the appropriateness of the permit, whether the Village could or should limit the number of events which the Wilburton contracts, and the need for further data with regard to the decibel level measured at neighbors' homes during events.

The Board resolved to conduct independent decibel measurements with the assistance of the Wilburton over the course of the year so as to assess whether noise abatement efforts were working and to determine whether the decibel level measured was considered consistent with the Village Noise Ordinance.

5. **Motion: To approve the Annual Special Events Permit Application (CY2025) for the Wilburton Inn with the condition that the decibel levels of events are monitored and data ascribed to that measurement will contextualize the Wilburton permit application for CY2026.**

Motion made by MacLaurin. Motion seconded by Swinarton.

Motion approved unanimously.

6. **Continued discussion on the Itinerant Vendors and Possible Amendment to Section IV of the Village Ordinances**



Deck introduced the topic of discussion and noted that it was his opinion that the Board had spent an inordinate amount of time on the matter which was impacting both the Village's and potential applicant's ability to regulate/conduct activity, given that permit applications for itinerant vendors were likely to start coming in soon. Deck expressed a desire to simplify the draft considerably, simply limiting the number of permits issued by the Board to three (3) in a calendar year on a 'first-come-first-serve' basis and integrating a 'good standing' clause to determine whether the Board would grant preferability to repeat applicants on a year-by-year basis. Deck further expressed his belief that a great degree of flexibility should be afforded to the Board to determine the appropriateness of a permit application, and that setting extensive restrictions in the ordinance hindered the Board's ability to render case-specific determinations.

Lewis commented that the restriction of permits to food vendors only excluded one currently operating vendor, namely a flower vendor recently permitted by the Board, and that the language might conflict with their existing permit. Lewis also noted that he saw select other non-food vendors as appropriate within Village, and thought the food-only designation might be too restrictive. McClintock noted that limiting vendors to food-only would make Village consistent with neighboring Manchester Center in terms of limitations.

VanDerWielen asked for clarification on the intended term of permits, whether the Board intended to grant annual, 6-month, or seasonal permits. Deck answered he believed permits should be seasonal, to which VanDerWielen suggested defining the season. The Board resolved to designate a mid-April to November season. VanDerWielen then asked for clarification as to whether all additional restrictions would then be deleted from the current draft. The Board resolved to delete all additional restrictions from the draft. VanDerWielen then asked if the addendum (checklist) to the permit application would be retained in the new permit form. The Board resolved to utilize the addendum in the new permit form. VanDerWielen also asked when the moratorium on new permits would be lifted, relative to the approval. Deck answered that he believed the moratorium should be lifted once the new draft was approved.

VanDerWielen also asked for clarification on whether the Board intended to limit itinerant vendors to food or not, after all. Lewis stated that he had already made his position clear. MacLaurin opined that the Board might determine the appropriateness of the wares of a vendor on a case-by-case basis, rather than limit all to food-only. VanDerWielen stated that he would revert the permit language to the original.

Deck opened the floor to public comment. Morrison thanked the Board for its time and expressed her optimism for the new draft. Morton also thanked the Board and noted his willingness to rectify issues regarding business operations quickly.

VanDerWielen confirmed that he would schedule a public hearing with the Board to vote on the new draft.

New Business: None.

Old Business: None.



Adjournment: 6:00 PM.

Motion made by Lewis. Motion seconded by MacLaurin.

Motion approved unanimously.

The next regular meeting of the Board of Trustees will be held at 4:30 PM on Monday, March 3rd, 2025.

Respectfully submitted,

Curan VanDerWielen
Interim Village Manager

DRAFT