

2013 04-01

Town of Windham, Vermont

Board of Selectmen Regular Meeting

Date of Meeting: April 1, 2013

Attending: Mary Boyer Selectman, Chair

Margaret Dwyer Selectman

M. Franklyn Seawright Selectman

Alison Trowbridge Select Board Clerk

Heath Boyer Town Rep to the Windham Regional Commission

Jerry Dyke Lister, Resident

Peter Chamberlain Treasurer

Members of the Windham Planning Commission: Bob Bingham, Bob Kehoe, Jim Morey, Ken Grimm and John Lingley

Call to Order: Regular meeting called to order at 6:35 at Windham Town Office by Chairman Mary Boyer.

Minutes of 3/18/13: Mary made a motion to accept the minutes of 3/18/13. Frank seconded the motion. The Board voted all in favor, so carried.

Agenda item referring to Beth McDonald: Beth didn't show up.

Town Office Housekeeping: Jerry Dyke asked about the Select Board's request to borrow the school's vacuum cleaner for cleaning the Town Office. It was explained that the Select Board plans to hire Paul Wyman, who cleans the school, to also clean the Town Office. It makes sense for him to use the school vacuum because it sits on his back and he can walk over from the school to do the office. Mary made a motion to hire Paul Wyman to clean the Town Office twice a month at \$17.50/hour. Frank seconded and the Board voted all in favor, so carried. Jerry also asked the Select Board about replacing the broken carbon monoxide (CO) monitor and installing a UPS backup for a computer. Mary made a motion authorizing Jerry to replace the CO monitor and the UPS backup. Frank seconded and the Board voted all in favor, so carried.

Watkins/Bigwood Lawsuit: Mary gave an update on this case. The Select Board met earlier in the day to review paperwork with Connie Pell, the attorney appointed by VLCT to handle the liability claim filed by Rodney Watkins and Bill Bigwood regarding past payroll for road crew.

Town Office Hours: Mary reminded Alison to post the new Town Clerk hours, including

the Saturday hours, in the various local papers including the Windham News and Notes.

Bank Signing Change: Peter updated the Select Board regarding transferring signing authority to him and Alison. Lori Tierren, from People's United Bank, has proposed coming to visit and working with the Town to make the most of the People's Bank's Government Program.

Municipal Indemnity Agreement: Mary handed out copies of an article from the VLCT News July 2011 issue (see attached article) discussing a legal case in Rutland where a municipal indemnity agreement protected the city in a lawsuit. The Select Board will research to see if this type of agreement might be pertinent to the Town for the Friendly Gathering Music Festival to be held at Timber Ridge Ski Area on June 28 and 29, 2013. The Select Board also wants to find out from the Department of Liquor Control if the Town gets to set parameters in the festival's liquor license.

Agreement between Windham Regional Commission (WRC) and Town of Windham: Mary distributed the draft agreement between the Town and the WRC for WRC to provide professional planning support to the Windham Planning Commission (PC) for the Windham Town Plan and Zoning Regulations update. (See attached draft agreement.) The cost of the proposed agreement is not to exceed \$4500.00 which is more than the budgeted amount. The agreement provides to the Town the services of John Bennett, a Senior Planner at WRC. The Town Plan expires in September 2013 and Bob Kehoe stressed the need for a highly professional Town Plan. The PC is hoping to contain costs of the project by trying to limit John Bennett's presence to 3 meetings and by having his assistant do the necessary typing associated with the project. As a result of the Town Plan update there will be parts of the Zoning Bylaws that will need to be amended. These expected changes are included in the draft agreement as well. Mary made a motion to sign the agreement between the Windham Regional Commission and the Town of Windham Planning Commission and return it to John Bennett at the WRC. Margaret seconded. The Board voted all in favor, so carried. WRC will send a final, non-draft version to the Select Board for review and signing.

Town Plan Update: The PC is doubling up meetings to make the September deadline. Upcoming PC meetings are scheduled for: April 11, May 9, 16, 23rd. Both Select Board and Planning Commission are each required to hold a hearing with a minimum notice of 30 days. Mary stressed the need for an attorney to review the Land Use component and that Jerry Tarrant should be contacted for this review.

Possible Proposed Wind Iberdrola/Meadowsend Wind Project: The Meadowsend Timber Company Meeting with the PC and Select Board is scheduled for April 4, 2013. The Select Board has not received an agenda for this meeting from Meadowsend to date and is assuming that the meeting will review the December 2012 letter from Meadowsend. There was discussion among the Boards about support-building tactics used by the potential developers based on a report of a Leland and Gray Union High School (LGUHS) teacher being approached by Meadowsend and Iberdrola about presenting to a class at the school. The PC stated that one of its goals for this meeting is to find out what the project will be and its size. The two boards agreed that the general strategy for this meeting is to get as much information from the developers as possible. The PC is

interested in Meadowsend's forestry plans for the land and had questions on the "fingers" logging management. The Select Board expressed concern about not being notified about the project at the time the Agency of Natural Resources was informed by the developers. The following subjects were identified that the town about would like to ask with the person's name who would bring it up:

Bob Kehoe: logging and site plan review,

Bob Bingham: the percentage of timber harvesting activity related to wind power,

Mary Boyer: restating the Town's position based on the December 2012 letter,

Jim Morey: questions about Iberdrola's policy that states the company will not build wind projects in towns where they are prohibited or unwanted.

Margaret: reasons why we weren't informed earlier,

Ken: property losses as a result of this project.

In addition, the Town would like a preliminary site plan and wants to know what Meadowsend's authority in this project is. Other issues relate to the impact on roads from the meteorological (met) tower construction and if the Town can get permission to access the land for information gathering, such as determining the presence of vernal pools. The Boards also discussed methods of finding out public sentiment about the project and mentioned the possibility of a public referendum. The lawsuit regarding a wind project in Hoosick, NY, was mentioned. The Boards agreed that the Town's position would be to uphold the Town Plan. Concerns about the proximity of the project to the majority of houses in town, approximately 87% of the Town's houses are within a mile of the proposed project boundary, and noise issues were brought up. The town is also concerned about surface waters on the property including the large pond whose waters are held by a dam. The Governor's Siting Commission is holding its final meeting to solicit public input on the siting of electrical generating facilities.

Adjustment to Mary McCoy's Bill for Filing Fees: The Select Board reviewed Mary McCoy's (Mac's) letter requesting an adjustment to her bill for filing fees. Mac is asking for \$20.00 less than her original bill. (See attached letter.) This amount reflects her mistakenly including 2 heavy weight permit fees (for fleets @ \$10.00) in her bill. Mary Boyer made a motion to change the bill to \$3369.16, as requested by Mac which includes the deduction for the portion of the total filing fees that go towards the restoration fund. Margaret seconded. The Board voted all in favor and the motion carried.

13. Winter Roads Statement: Peter handed out the beginnings of a winter roads statement comparing 3 years, 2011, 2012 and 2013. Because the 2013 winter roads figures are not completed yet, the Select Board asked Peter to wait and resubmit when he had that information.

Assistant Town Treasurer: Peter informed the Board that he has appointed Kathy Scott as Assistant Town Treasurer. Alison will check to see if she needs to be sworn in.

Bill Paying: Mary made a motion to pay Stephanie Amyot \$958.97 per her bill for researching payroll records for the Watkins/Bigwood lawsuit. Frank seconded, the Board

voted all in favor and the motion carried.

Authorized Signatory: Margaret nominated Mary Boyer to be the authorized signatory for the Select Board to sign orders in between Select Board meetings. Frank seconded, the Board voted all in favor and the motion carried.

Mail:

Bridge inspection report: VTrans sent a report from their inspection of Town's bridges. The Select Board instructed Alison to forward it to Rodney and make copies for the Select Board.

Bill Lyon's waste water permit: The Board reviewed Bill Lyons wastewater permit issued by the State.

Request from VTrans: VTrans sent a letter requesting a list of Class II highways that are being resurfaced this year and will need paint. The Board requested that this letter be passed to Rodney and believes no paved roads are being resurfaced this year.

An email from the Complete Streets program was also passed on to Rodney.

An email from the Rural Fire protection task Force was passed on to fire chief Rick Weitzel.

Health Savings Account (HSA) Question from Rodney and Bill: Rodney and Bill had questions about the Town paying for their health insurance deductible amount and contributions to their HSAs. They are coming in for evaluation meetings on April 15 and the matter will be taken up with them then.

Adjournment: Motion made by Frank to adjourn. Margaret seconded and voted unanimously by the Board.

The meeting adjourned at 9:23 pm.

Approved by the Board_____