

Request for a summary itemizing all known costs that have been paid for by the taxpayers of Windham, and the insurance company involved, for the entire clean-up of the diesel fuel spill that occurred at the Town Highway Garage on 3/9/18.

This summary of dollars spent should include:

1. Total hrs. spent by any/all full or part-time town employees at the spill site on 3/9/18, or any days thereafter that were spent containing or cleaning up the spill. *Note mention spill until 3/27/18. - coty?
 Total hrs. of all involved employees (a hilly notes) = \$
2. Total costs for clean up by private contractor that was paid by the insurance company. = \$
3. Cost of #gals. of diesel fuel spilled on 3/9/18, #gals. x price paid. \$
4. Cost of the number of yards of sand contaminated by diesel fuel that was removed from the site. (Sand that could not be used on the roads.) # yards x price per yard = \$
5. Initial fine imposed by state = \$
6. Total fine after being mitigated by Att'y. = \$
7. All legal costs billed to town by Attorney re: spill, mitigation, etc. Total # of att'y. hrs. x hilly rate = \$
8. Any cost for bills submitted by Cota/Cote for consulting / response / travel, parts, etc. related to the spill. \$
9. Any other costs I may not be aware of = \$
- Total Cost to Windham Taxpayers = \$
- Total Cost to Insurance Company = \$
- Total entire / complete costs relating to spill = \$

This summary should provide an accurate accounting to the taxpayers, as to the complete costs relating to the spill from 3/9/18 - to this point in time.

Respectfully Submitted by: Robert C. Bingham 4/15/19

April 9, 2019

Dear Select board members Maureen Bell, Kord Scott, and Hal Wilkins,

Kathy Scott and I, Imme Maurath are offering this as a response to Ernest Friedli's letter regarding the 2018 report.

We've enclosed a copy from the VLCT explaining who is responsible for the Town Report.

Mr. Friedli actually contradicts himself in the next paragraph. "The cash flow report shows the abundance of cash needed to get the town through the year until taxes are collected so we don't need to borrow money." The auditors stopped showing that information because residents kept saying we should use that money to lower municipal taxes. So the unassigned funds shown on the balance sheet serve that exact purpose, funds used to get us through the year.

The income+/-expenses report is a report for a specific time. If we go to the Ernie years, 2011 was a -446,517.01 which is not reflected anywhere else in the book as well as the 2012 reporting of 121,534.38.

There is nothing in the 2017 report regarding parcels(that was Ernie's report). And if page 33 and 34 incorrectly reprinted that would have been Ernie's doing. The 2018 report is the responsibility of the new delinquent collector and if she doesn't want to report trends, that's her prerogative.

Receipt of State Funds for Transportation:

In the 2017 report St. Funds for Trans. are clearly noted on page 26, line 31 & 35.

In the 2018 report St. Funds are on page 21, line 37, and as voted on by the SB at a regular meeting, they were allocated to Retreatment.

Carry over:

2017- page 26, line 30-reduced the general budget with a town vote.

2018- page 21, line 22-\$3,363- no action taken.

We hope this clears up some of Mr. Friedli's concerns. We have also invited him in the past when we are putting the report together to come in and we would show him where the numbers are coming from and to explain the report to him. This has never happened.

Respectfully submitted,

Kathy Scott

Imme Maurath

(click on a question below to jump to that section)

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Q1: Who is responsible for the town report? The selectboard, town clerk, or auditors?

According to the Vermont Statutes, the elected auditors must "examine and adjust the accounts of all town officers and all other persons authorized by law to draw orders on the town treasurer," and the auditors must "report their findings in writing and cause the same to be mailed or otherwise distributed to the legal voters of the town at least ten days before the annual meeting." 24 V.S.A. §§ 1681, 1682(a).

The law only requires that an annual auditors' report is distributed. There is no legal requirement that the town assemble, print, and distribute any other information. Of course, historically most towns have assembled, printed, and distributed a so-called "Town Report" that contains all kinds of information such as vital statistics, next year's proposed budget, photographs, and the warning. If a town wants to save printing and mailing expenses it could limit the report to only that which is required by law.

Q2: Who is responsible for the town report if the office of elected auditor no longer exists?

If the town has voted to eliminate the office of elected auditor in accordance with 17 V.S.A. § 2651b, the selectboard bears the responsibility of mailing or otherwise distributing the findings of the professional accountant, licensed in Vermont, that the selectboard hired. 24 V.S.A. § 1682(b).

Q3: What does the town report have to contain?

The "town report" under Vermont law, strictly speaking, is only required to contain the "auditors' report" under 24 V.S.A. §§ 1682, 1683, and 1684. The elected auditors must prepare and publish an audit report that reviews the accounts of the town treasurer, selectboard, tax collector, and other town officials who submit bills for payment by the town on a monthly or annual basis. This report provides taxpayers with detailed information about the town's financial status.

After completing a review of the town's books and financial statements, the auditors must prepare an audit report. The contents of the audit report must comply with the requirements of Vermont Statutes. Under 24 V.S.A. §§ 1683 and 1684, the report at a minimum contains:

- [A] detailed statement of the financial condition of such town for its fiscal year,
- a classified summary of receipts and expenditures,
- a list of all outstanding orders and payables more than 30 days past due, and
- show deficit, if any, pursuant to section 1523 [Title 24] and such other information as the municipality shall direct (vote to include). Typically this "other information" includes a list of all delinquent taxes owed to the town. If such a list is requested, State law requires that "individuals who are exempt from penalty, fees, and interest by virtue of 32 V.S.A. § 4609 shall not be listed or identified in any such report, provided that they notify or cause to be notified in writing the municipal or district treasurer that they should not be listed or identified." 24 V.S.A. § 1683(a).

The report must also contain:

- (1) The condition of all trust funds, with a list of the assets of such funds including the receipts and disbursements for the preceding year;
- (2) Any outstanding bonds of the town with the rate of interest and the amounts; and
- (3) Any outstanding interest bearing notes or orders of the town with the serial number, date, amount, payee, rate of interest of each, and the total amount thereof.

24 V.S.A. § 1684.

Q4: Are we required to include a school's audit report and/or finances?

Town auditors do not perform the job of school auditors. As such, auditors are not required to make a detailed statement showing what bonds of the school district are outstanding or what interest bearing notes or orders of the town school district are outstanding.

A school district is legally distinct from a municipality. To our knowledge, the town would bear no legal obligation to include the school's information; however, the selectboard may agree to include any additional material in its report that it sees fit.

Q5: To whom does the town report have to be sent?

Pursuant to 24 V.S.A. § 1682, towns are legally required to disseminate the auditors' annual financial report. The statute declares that the auditors must "report their findings in writing and cause the same to be mailed or otherwise distributed to the voters of the town at least ten days before the annual meeting." Prior to 2015, the law required the report be mailed or distributed to the "voters or residents" of the town. (Emphasis added). The law now requires it to be sent to just "the voters of the town," which means that there is no longer any legal obligation to provide the report to residents who are not registered voters.

Therefore, towns may choose to save money by reducing the number of reports that are printed and distributed. However, towns should be aware that if they stop providing their non-voting residents with the report, those residents may feel alienated from their local government. Not only are those residents not provided a voice at town meeting because they are not registered voters in that town, but they are also now cut off from a source of detailed information about the town and its finances. If they have grown accustomed to receiving the report every year, this change may come as an unpleasant surprise.

Although the law no longer requires the town report or notice of availability be sent to town residents, a copy of the town report must be kept in the town clerk's office to allow the public to inspect or copy. The law, 24 V.S.A. § 1174, states: "[The] clerk shall keep on file in his or her office two or more sets of the annual report of the auditors, which at suitable intervals he or she shall bind in book form." Finally, as best practice and for good customer service, the report should be posted to the town's website, if one exists.

Q6: Does the town report have to be "mailed" to every voter in the town, or can it be emailed or posted on the town's website instead?

State law requires that the town report is "mailed or otherwise distributed to the voters of the town at least ten days before the annual meeting." 24 V.S.A. § 1682(a). Because the law was enacted when email was nonexistent, we interpret it to mean that actual hard-copy mailing or distributing of the town report is required. Therefore, only emailing the report to voters or posting it on the town's website alone is insufficient.

Nonetheless, the law does give the voters the authority to agree to a different arrangement. Specifically, the voters may vote at a special or annual town meeting to provide "notice of availability" at least 30 days before the town meeting of the town report instead of mailing or otherwise distributing it. However, it is not enough that the voters merely decide to give notice

that the town report is available. They must also specify how that notice is provided. A sample article for such a vote could take the following form:

“Shall the town provide notice of the availability of the annual report by [*insert method of providing notice such as “postcard, mailed to all registered voters”*] at least 30 days before the annual meeting instead of mailing or otherwise distributing the report to the voters of the town pursuant to 24 V.S.A. § 1682(a)?”

Once the town votes to provide notice of availability, that vote relieves the town of the responsibility of mailing or otherwise distributing. Keep in mind, however, that even if such notice of availability is provided, the auditors are still required to mail or distribute a copy of the report to any voter or resident of the town who requests such service. 24 V.S.A. § 1682(a). 24 V.S.A. 1682(3).

Even if the voters approve sending the notice of availability in lieu of mailing the town report, the town auditors (or selectboard, if the town has voted to eliminate the office of the town auditor) must still deliver enough copies to the town clerk in order to comply with his or her responsibilities under 24 V.S.A. §§ 1173 and 1174.

Q7: Does the town report have to be received by voters at least ten days before town meeting?

The law requires that, until a town votes otherwise, copies of the town report must be “mailed or otherwise distributed” to the voters in town at least ten days before town meeting. 24 V.S.A. § 1682(a)(1). Therefore, as long as it is mailed at least ten days before town meeting, the town has satisfied the law, even if voters do not receive the report ten days prior to the town meeting. Keep in mind that this sets a minimum timeframe for distributing the report, so it can go out earlier as soon as it is ready.

Q8: What if two voters live at the same address? Do we have to send two copies?

While the law states that the report must be mailed or otherwise distributed to each voter, we believe it is acceptable to mail one report to each voter’s household, e.g. if there is a married couple that lives together. Be sure to place the name of each person residing there on the mailed report.

Q9: Does the town need to vote to accept the town report?

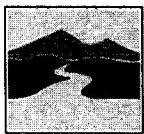
Although a town report is mandated, there seems to be no statutory requirement for the voters to do anything about the report and no specific consequence if the town votes not to accept it. There is simply no legal requirement that the voters act to accept the town report at town meeting. While the report may certainly guide the voter’s decision in terms of how much money to authorize for the ensuing year, it is not specifically subject to town approval. If the report is voted down it represents voter dissatisfaction, but no specific action must be taken as a result of the vote.

Q10: What are the town clerk's responsibilities once the report is available?

At the same time the notice of availability is provided, the town auditors (or selectboard, if the town has voted to eliminate the office of the town auditor) must still deliver enough copies to the town clerk in order to comply with his or her responsibilities under 24 V.S.A. §§ 1173 and 1174.

Section 1173 of Title 24 requires that the town clerk, annually, send two copies of the report to each library in the town and one copy of the report to the Vermont State Archives and Records Administration.

State law requires town clerks to "keep on file in his or her office two or more sets of the annual report of the auditors, which at suitable intervals he or she shall bind in book form." 24 V.S.A. § 1174. In addition, all surplus copies of the report must be given to the town clerk before the first Tuesday in March (Town Meeting Day).



VERMONT DEPARTMENT OF
ENVIRONMENTAL CONSERVATION
**WATERSHED
MANAGEMENT DIVISION**
STORMWATER PROGRAM

**Municipal Roads General Permit
Planning Report**

For Dept. Use Only

The Municipal Roads General Permit (MRGP) requires that municipalities submit an annual report on the municipality's progress in implementing the MRGP standards. Submission of this Planning Report by April 1, 2019 complies with the annual reporting requirements in Part 5.2 of the MRGP. Upon receipt, the Department will post this report on the Agency's Environmental Research Tool at <https://anrweb.vt.gov/DEC/ERT/StormWater.aspx>.

Section A: Permittee Information

1. Name of Municipality: Town of Windham		2. Permit Number: _____ - 9040	
3a. Name of Principle Executive Officer (PEO) or Ranking Elected Official (REO): Kord Scott			
3b. Title: Selectman			
4a. Mailing Address: 5976 Windham Hill Road			
4b. City/Town: Windham		4c. State: VT	4d. Zip: 05359
5. Phone: 802-875-3725		6. Email: kordscott@vermontel.net	

Section B: Implementation Information

1. Has a Road Erosion Inventory (REI) been completed using the DEC MRGP REI template? <input type="checkbox"/> Yes Date completed (month/year): _____ Entity who complete REI: _____ <input checked="" type="checkbox"/> No If No, complete number 2, below.									
2. Has an REI been scheduled? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Approximate date planned (month/year): 8/2019									
3. What tools or trainings would be helpful in implementing the MRGP? <table border="0"><tr><td><input checked="" type="checkbox"/> Using the REI app and Implementation Table</td><td><input checked="" type="checkbox"/> Road site visit technical assistance</td></tr><tr><td><input checked="" type="checkbox"/> ANR Natural Resources Atlas</td><td><input checked="" type="checkbox"/> Landowner education on the MRGP requirements</td></tr><tr><td><input checked="" type="checkbox"/> Determining costs and labor for road projects</td><td><input checked="" type="checkbox"/> Additional grant funding</td></tr><tr><td><input type="checkbox"/> Road practice installation and equipment use</td><td>Other? _____</td></tr></table>		<input checked="" type="checkbox"/> Using the REI app and Implementation Table	<input checked="" type="checkbox"/> Road site visit technical assistance	<input checked="" type="checkbox"/> ANR Natural Resources Atlas	<input checked="" type="checkbox"/> Landowner education on the MRGP requirements	<input checked="" type="checkbox"/> Determining costs and labor for road projects	<input checked="" type="checkbox"/> Additional grant funding	<input type="checkbox"/> Road practice installation and equipment use	Other? _____
<input checked="" type="checkbox"/> Using the REI app and Implementation Table	<input checked="" type="checkbox"/> Road site visit technical assistance								
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<input checked="" type="checkbox"/> Determining costs and labor for road projects	<input checked="" type="checkbox"/> Additional grant funding								
<input type="checkbox"/> Road practice installation and equipment use	Other? _____								

Section C: Certification

This Annual Report shall be signed by a principal executive officer, ranking elected official or other duly authorized employee consistent with 40 CFR §122.22(b) and certified as follows:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Kord Scott

Selectman

Print Name **Kord**

Digitally signed by Kord Scott
DN: cn=Kord Scott, o, ou,
email=kordscott@vermontel.
net, c=US
Date: 2019.04.15 12:29:41
-04'00'

Title

4/15/19

Signature **Scott**

Date

Submit this form to:
VTDEC · WSMD · Stormwater Program
One National Life Drive
Montpelier, Vermont 05620-3522

MRPG Timetable
from Two Rivers Ottaquechee Regional Commission

Construction Compliance Schedule

Hydrologically Connected Segment Score: Does Not Meet		
Type	Slope or Erosion	Compliance Deadline
15% of segments	any	January 1, 2023
all segments	any	December 31, 2036
Very High Priority Hydrologically Connected Segment Score: Does Not Meet		
paved and gravel segments with drainage ditches	10% slope or greater	December 31, 2025
paved segments with catch basins	field-measured erosion values of 3 cubic yards and greater	December 31, 2025
class 4 roads	10% slope or greater with 1' deep or greater gully erosion	December 31, 2028

Full Compliance Schedule

Compliance Deadline	Action
July 31, 2018	Notice of Intent must be filed with the Agency (plus \$240.00 administrative processing fee).
April 1, 2019	Annual Report due. \$400 Application fee due before June 1, 2019. \$500-\$1,800 Prorated annual operating fee due before June 1, 2019.
April 1, 2020	Annual Report due
December 31, 2020	RSWMP due: Consists of Implementation Table with REI results
April 1, 2022 (annually forward)	Annual Report due
October 1, 2022	Apply for authorization upon reissuance of the MRGP
January 1, 2023	Upgrade at least 15% of the non-compliant segments
December 31, 2025	Very High Priority Segments, Score of Does Not Meet, class 1-3 roads
December 31, 2028	Very High Priority Segments, Score of Does Not Meet, class 4 roads
December 31, 2036	Complete implementation; all hydrologically-connected municipal roads meet the standards listed in the MRGP

For compliance with the **Municipal Roads General Permit**, the following conditions need to be met on hydrologically-connected Class 2 and 3 town highways without catch basins/curbs:

Required baseline standards – no matter what the existing conditions are:

- road grading/crowning (unpaved roads only) – road must be properly crowned ($\frac{1}{4}$ to $\frac{1}{2}$ inch per foot), or in-sloped or out-sloped
- grader berm/high shoulders – must be removed; simply put, run-off must be able to either: 1) sheet flow away from the road or 2) enter a proper ditch (if the shoulder is higher than the road, the shoulder must be lowered or a ditch must be installed)
- ditches – for slopes less than 5%, ditches must be grass-lined; for slopes 8% or greater, ditches must be stone-lined; for slopes between 5% and 8%, ditches must be stone-lined, or grass-lined with check dams, or grass-lined with disconnection practices
- turnouts (where ditches are turned out and run-off leaves the ROW) and conveyances (where ditch run-off or culvert discharge enters a stream) must be stable, i.e. vegetated and/or stone-lined
- any soil disturbance must be re-vegetated or stone installed within five days

Only required when moderate to significant erosion present, or when a new culvert is installed:

- 18" minimum road drainage culvert
- 15" minimum driveway culvert
- culvert headers
- culvert outlet stabilization

For hydrologically-connected Class 4 town highways, gully erosion (one foot in depth or greater) must not be present.

Work that is eligible under the Grants in Aid program:

- Grass and stone-lined drainage ditches, turnouts, and other disconnection and infiltration practices;
- Lowering high road shoulders;
- Improving and replacing drainage culverts, installing culvert headwalls, and/or outlet stabilization;
- Addressing gully erosion on Class 4 roads; and
- Stabilizing catch basin outlets.

Better Roads Category B grants can also be used to bring road segments up to MRGP standards.

802

874-4770

MICHAEL LONGO TREE CARE
630 ADAMS RD
WEST TOWNSHND, VT 05359

ESTIMATE -

FOR TOWN OF WINDHAM, VT (MEETING HOUSE)

- IN REFERENCE TO LARGE DECLINING SUGAR MAPLE
ON SOUTH END OF TREE LINE, WEST OF BLDG.

PRICE TO TAKE TREE DOWN \Rightarrow \$1,250.00

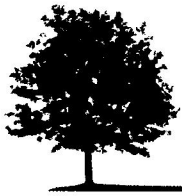
TO REMOVE ALL BRUSH
FROM SITE \Rightarrow \$250.00

TO REMOVE ALL WOOD
FROM SITE \Rightarrow \$425.00

TOTAL COST TO TAKE DOWN AND
REMOVE ALL ABOVE GROUND TREE
DEBRIS FROM SITE \Rightarrow \$1,925.00

- IN REFERENCE TO BLUE SPRUCE IN FRONT
OF BLDG, CHRISTMAS LIGHTS

PRICE TO TAKE DOWN AND DISPOSE
OF ALL ABOVE GROUND TREE AND
ATTACHED LIGHTS \Rightarrow \$225.00



HCRS

HEALTH CARE & REHABILITATION SERVICES
OF SOUTHEASTERN VERMONT

Town of Windham, VT

APR 10 2019

Received

Headquarters:

390 River Street
Springfield, VT 05156
(802) 886-4500
www.hcrs.org

April 5, 2019

Accredited by the
Joint Commission

Mike McLaine, Town Clerk
Town of Windham
5976 Windham Hill Road
Windham, VT 05359

Dear Mr. McLaine,

I am writing to thank you and the residents of Windham for their vote on Town Meeting Day approving financial support in the amount of \$250.00 for Health Care and Rehabilitation Services' Access Navigator Program. We sincerely appreciate this support from the citizens of Windham. These funds will help us to ensure services for all citizens who are in need of them.

If you have any questions, please do not hesitate to contact me at (802) 886-4567 ext. 2125.

Again, thank you for your support!

Sincerely,

George Karabakakis
Chief Executive Officer

