

Windham VT Selectboard Meeting Minutes
March 18, 2019 Regular Meeting

Present:

Maureen Bell, Selectwoman	Kord Scott, Selectman
Hal Wilkins, Selectman	Vance Bell, Planning Commission
Bob Bingham	Dawn Bower, Various Commissions
Russ Cumming, Lister	Joyce Cumming
Ginny Crittenden, Conservation Commission	Dave Crittenden, W. Windham Cemetery Commission
John Hoover, Justice of the Peace	Sally Hoover, Auditor
Louise Johnson	Tom Johnson, Energy Commission
Kathy Jungermann, Auditor	Keith Jungermann
Kathy Scott, Treasurer	Richard Paré, Road Commissioner

Call to order

The meeting was called to order at 6:30 p.m.

Elect Selectboard Chair and Vice Chair

Motion: To nominate Maureen Bell as Selectboard Chair for 1-year term—moved by Maureen—all in favor.

Motion: To nominate Kord Scott as Selectboard Vice-Chair for 1-year term—moved by Maureen—all in favor.

Appoint Selectboard Clerk

Motion: To appoint Joyce Cumming as Selectboard Clerk for 1-year term—moved by Maureen—all in favor.

Review and Adopt Selectboard Rules of Procedure and Conflict of Interest Policy

Maureen explained that both documents were based on those adopted last year but with revisions where applicable.

Motion: To adopt the Selectboard Rules of Procedure as written—moved by Kord—all in favor.

Motion: To adopt the Conflict of Interest Policy as written—moved by Maureen—all in favor.

Additions to Agenda

- Re: discussion of roads, Kord will update members on recent meeting with Richard Paré (Road Commissioner) and the engineer.
- Kathy Scott suggested tabling discussion on forming a committee to research options for financing large expenditures.
- Maureen requested amending the sequence of agenda topics as necessary. No objections noted.

Approval of minutes: March 4, 2019 Regular Selectboard Meeting; and March 5, 2019 Town Meeting

Maureen presented corrections made to the March 4, 2019 Selectboard Meeting minutes and offered a brief explanation of Open Meeting Law. Hal identified a correction needed in the closing phrase.

Motion: To approve the corrected March 4, 2019 Selectboard Meeting minutes—moved by Kord—2-0-1
In favor: Maureen and Kord; Abstention: Hal. Motion passed.

Motion: To approve the March 5, 2019 Town Meeting minutes as presented—moved by Maureen—all in favor.

New/Re-Appointments to Town Positions

Road Commissioner—1 year term

Motion: To re-appoint Richard Paré as Road Commissioner for 1-year term—moved by Maureen—all in favor.

Town Planning Commission—4 year term

Motion: To re-appoint Dawn Bower as Town Planning Commission member for 4-year term—moved by Maureen—all in favor.

Representatives to Windham Regional Commission (2)—1 year terms

Motion: To re-appoint Carolyn Partridge and Bill Dunkel as Windham Regional Commission members, each for a 1-year term—moved by Maureen—motion passed.

Tree Warden—1 year term

Motion: To re-appoint Walter Woodruff as Tree Warden for 1-year term—moved by Maureen.
Brief discussion followed on the authorities vested in the Tree Warden including decisions on tree-removal, and responsibility for the shade tree preservation program. Motion passed.

Zoning Administrative Officer—3 year term

Motion: To re-appoint Alison Cummings as Zoning Administrative Officer for 3-year term—moved by Maureen—all in favor.

Co-Emergency Management Coordinators (2)—1 year terms

Motion: To re-appoint Imme Maurath and Kathaleen Jungermann as Co-Emergency Management Coordinators, each for a 1-year term—moved by Maureen—all in favor.

Energy Coordinator—1 year term

Motion: To re-appoint Bill Dunkel as Energy Coordinator for 1-year term—moved by Maureen—all in favor.

Citizens Advisory Committee—3 year term

Motion: To re-appoint Marcia Clinton as Citizens Advisory Committee Housing Rehabilitation Development Grant Program Officer for 3-year term—moved by Maureen—all in favor.

Conservation Commission (2)—4 year terms and additional appointment of (1) 1 year term

Motion: To re-appoint Virginia Crittenden as Conservation Commission member for 4-year term—moved by Maureen—all in favor.

Motion: To re-appoint Diane Newton as Conservation Commission member for 4-year term—moved by Maureen.

Maureen explained that she hadn't heard back from Diane re: her interest in continuing on the Conservation Commission. Diane has the option to decline the appointment. All were in favor.

Maureen explained that Ellen McDuffie has also expressed interest in serving on the Conservation Commission, and the Selectboard has the option to appoint one or two additional members. Brief discussion followed re: term. Selectboard members agreed on a 1-year term.

Motion: To appoint Ellen McDuffie as Conservation Commission member for 1-year term—moved by Maureen—all in favor.

E-911 Coordinator—3 year term

Motion: To re-appoint Meredith Tips-McLaine as E-911 Coordinator for 3-year term—moved by Maureen—all in favor.

Energy Commission (2)—3 year terms

Motion: To re-appoint Michael Simonds as Energy Commission member for 3-year term—moved by Maureen—all in favor.

Motion: To re-appoint Dawn Bower as Energy Commission member for 3-year term—moved by Maureen—all in favor.

Webmaster—the Webmaster’s term has not expired. No action is needed.

Dog Counter—Maureen explained that this position is being eliminated.

Green-Up Coordinator—1 year term

Motion: To appoint Ellen McDuffie as Green-Up Coordinator for 1-year term—moved by Maureen—all in favor.

Building Safety Officer—1 year term

Motion: To appoint Bob Kehoe as Building Safety Officer for 1-year term—moved by Maureen—all in favor.

Representative to Senior Solutions

No one has expressed interest. Maureen suggested seeking volunteers via News and Notes.

Radio Amateur Civil Emergency Service Operator

Brief discussion followed re: the need for a license to serve in this capacity. Hal will look into this further.

Public Comment

No one had comments to offer on topics other than those included on the agenda.

New Business:

Sign Certificate for Grand List

Selectboard signature on the Certificate for Grand List is a pro-forma requirement. Bob Bingham inquired regarding the Listers’ request that the State re-evaluate the property values. Russ Cumming explained that the State confirmed its original findings re: Windham’s equalized education property values, Coefficient of Dispersion, and Common Level of Appraisal (see attachment). Maureen signed the Grand List and provided it to the Town Clerk.

Community Values Mapping Project

Hal Wilkins announced that Monica Pryzperhart of the Vermont Fish & Wildlife Department will present the Community Values Mapping process at Windham Town Offices on Monday, April 8, 2019 at 6:00 p.m. The initial meeting is a mapping exercise that asks residents to share what they value about living in Windham. The formal town wide meeting will follow in May at the Windham Elementary School. The end goal of the project is to identify places and qualities of Windham that residents value most, i.e., environmental, land use/preservation, recreational, social, educational, etc.

Sign Diesel Spill Enforcement Action

Maureen explained that the Town Attorney negotiated with the State to reduce the penalty assessed for the diesel spill violation. In addition to a \$3,000 fine, Windham must develop and submit within 30 days written procedures for use of fuel pumps. Kord is in the process of developing the written procedures. In response to a question regarding insurance coverage for the incident, Maureen explained that insurance covered the cost of environmental remediation to remove and replace the affected number of cubic yards of material, but the fine for the violation was separate. On behalf of the Selectboard, Maureen signed the agreement regarding this matter for notarization by Mike McLaine and submission to the State. Mike identified an issue in the wording of the agreement which limits use of the diesel pumps to Town employees. Mike noted that in addition to Town employees, the Windham Fire Company also utilizes the pumps as does the school bus driver. The agreement should cover Town employees, the Windham Fire Company, and the school bus driver, all of whom have been trained. Maureen will discuss this with Bob Fisher and determine how best to address this oversight.

Roads:

Suggestion to form a committee to review options for financing large expenditures (Kathy Scott)

Per Kathy Scott's request, the Selectboard agreed to table discussion on this item until a future date.

Suggestion to consider borrowing funds for paving Windham Hill Road (Russ Cumming)

Based on Kord's explanation regarding availability of State grants at some point in the next few years, Russ Cumming suggested borrowing \$500,000 at an interest rate of 3 to 4% to repave Windham Hill Road this year. Kord provided an update on a recent meeting with Richard Paré (Road Commissioner) and Everett (engineer) regarding acceleration of the paving schedule. A comprehensive plan including cost projections will be presented at a Special Selectboard Meeting in the near future. Kord also noted that grants are conditional on work needed; therefore repaving using borrowed money would negate grant availability for Windham. Grant funds may however be used to complete a project already begun. Kord will reach out to Everett to determine his availability for a Special Meeting. Hal commented on the use of estimators who work for the paving company, the importance of a performance guarantee, and other contract provisions. Kathy Scott mentioned bonds available through the Vt. Municipal Bond Bank for road infrastructure projects, but not for paving.

Brief discussion followed on posting roads at 24,000 lb. limits. Kord will discuss this with Mark Pickering of V-Trans. Richard Paré had a discussion with a Cota & Cota field delivery representative who explained that fuel deliveries in spring are made in lesser quantities to comply with the weight limits on posted roads.

Discussion followed on speed limits and reducing the speed on Windham Hill Road to 35 mph to match the speed limit on the lower end of the road. Hal noted that the Selectboard may have statutory latitude to modify speed limits within Town; he will look into this.

The Meeting House:

Update on Legal/Title Issues

Kord provided an update on research to address legalities such as title and ownership of the Meeting House. It appears that the Town owns part and the Church owns part, though a deed was not located. Historical documentation on the chain of ownership will be provided to the Town Attorney. Fund-raising by the Friends of the Meeting House and brainstorming sessions by the Transition Committee can proceed simultaneously with the Town Attorney's work re: ownership. Maureen will email members of the Transition Committee to schedule a meeting for the near future.

How to insure the building-update on PACIF

The Town owns the land and has liability coverage on the land. Discussion followed on property coverage should the Town take complete ownership and whether to base coverage on the replacement cost of the building, or the cost to clean up the site in the event of a catastrophic event such as fire, or the cost to insure the building based on an alternate use. An appraisal would be required if the Town were to take ownership of the Church's portion. Ownership needs to be established first.

How to handle bills that are received

Dave Crittenden asked about responsibility for the next quarterly insurance payment of \$2,054 due in May. The budget for 2019 has been set and cannot be over-expended: the Town's share of the cost of insurance for the building was budgeted at \$4,000 (half of \$8,000 total to be shared with the Church). Dave Crittenden distributed a list of Meetinghouse shared expenses for 2018 which showed an additional cost to the Town, should it take complete ownership, of approximately \$6,000 representing the Church's share of obligations (see attachment). This additional cost was not included in the Town budget for 2019. Discussion followed on whether the Friends of the Meetinghouse might amplify fundraising efforts and whether funds could be used for expenses such as heating fuel, utilities, and grounds, or whether the organization's purpose is limited to funding repairs of the physical structure only. Until a decision is reached on ownership and the issue can be brought before the Town for a vote, the Selectboard and Treasurer were opposed to assuming the Church's share of financial responsibility for the building. If the Church can continue to pay its share of the expenses for 2019, the Selectboard will focus on obtaining a legal recommendation from the Town Attorney in the next few weeks.

Maureen requested amending the sequence of the agenda items to move into Executive Session for discussion of personnel issues prior to discussing correspondence, payroll and bills. There were no objections.

Executive Session to discuss personnel issues

Motion: To enter into Executive Session at 8:30 p.m. and invite Richard Paré, Road Commissioner, for the purpose of discussing personnel issues—moved by Maureen—all in favor.

No decisions were made.

Resume Regular Meeting

Motion: To exit Executive Session and resume the Open Session of the meeting at 8:45 p.m.—moved by Maureen—all in favor.

Motion: To send a letter to Kurt Bostrom regarding his recent evaluation—moved by Kord—all in favor.

Motion: To have Richard Paré contact Dan Diaz (road crew member) to schedule Dan's evaluation in April and report back to the Selectboard so that a Selectboard member can be present—moved by Kord—all in favor.

Correspondence/Payroll/Bills

Correspondence, payroll and bills were reviewed and approved as necessary.

Adjournment

Motion: To adjourn the regular meeting at 9:00 p.m.—moved by Maureen—all in favor.

Respectfully submitted,

Joyce Cumming
Selectboard Clerk

Attachments:

Selectboard Rules of Procedure—Town of Windham, VT
Conflict of Interest Policy—Town of Windham, VT
Letter from State of Vermont, Dept. of Taxes, dated 3/1/19
2018 Meetinghouse Shared Expenses